

By Mr. RAKER: Petitions of San Francisco (Cal.) Advertising Club and Common Council of Philadelphia, Pa., against abolition of pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, memorial of National Farmers' Union, Palatka, Fla., urging passage of the immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of Sacramento (Cal.) Chamber of Commerce and sundry citizens of California, protesting against certain sections of the revenue bill; to the Committee on Ways and Means.

Also, petition of H. C. Rawley, protesting against passage of House bill 18986 and Senate bill 4429, relative to excluding liquor advertisements from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Marlin Arms Corporation, New Haven, Conn., relative to need of machine guns; to the Committee on Military Affairs.

Also, petition of William T. Goldsborough, of San Francisco, Cal., relative to enlargement and preservation of national parks; to the Committee on the Public Lands.

Also, petition of W. T. Hornaday, of New York City, urging passage of the game-sanctuary bill; to the Committee on Agriculture.

Also, petition of L. F. Kuhn, Stockton, Cal., protesting against placing of postmasters under civil service; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Stacy, Cal., against bill to provide postal-zone rates; to the Committee on the Post Office and Post Roads.

Also, petition of American Federation of Teachers, Chicago, Ill., protesting against amendment to section 6 of the District of Columbia appropriation bill; to the Committee on the District of Columbia.

Also, petition of Personal Liberty League of Maryland, protesting against prohibitory legislation; to the Committee on the Judiciary.

Also, petition of R. E. Earnest, of New York City, favoring passage of House bill 19433; to the Committee on Military Affairs.

Also, petition of Alfred Lewishon, of New York, against passage of the immigration bill; to the Committee on Immigration and Naturalization.

By Mr. ROUSE: Telegram signed by W. C. Morgan, Eugene Mosley, A. B. Clem, W. H. Pearce, D. L. Bell, Dr. W. P. Bell, and J. W. McMahon, of Trimble County, Ky., protesting against the Bankhead bill; to the Committee on the Post Office and Post Roads.

Also, telegram signed by W. H. McIntyre, H. H. Schiermer, C. R. Barclay, C. P. Harwood, B. F. Holsclaw, Tom Wood, George Tandy, George McCord, Joe Pecar, N. G. Dennison, Shelly Poland, Harry Pollard, Leonard Miles, B. F. Butler, H. H. McKay, A. Abots, John Neal, John Whittaker, Al Bowman, Joe Morrison, W. B. Colbert, H. J. Bell, W. H. Cook, G. P. Heath, W. R. Heath, and C. B. Clem, of Trimble County, Ky., urging defeat of the Bankhead bill; to the Committee on the Post Office and Post Roads.

Also, telegram signed by Standard Printing Works, Alban Wolff, R. J. Jameson, Matt Crolley, Semple & Schram, and Kyle Printing Co., of Covington, Ky., opposing Senate bill 4429, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TINKHAM: Petition of Ruthenian National Union, favoring the passage of House joint resolution 230, looking to the relief of the Ruthenians; to the Committee on the Library.

SENATE.

WEDNESDAY, February 7, 1917.

(Legislative day of Tuesday, February 6, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hardwick	Lea, Tenn.	Page
Beckham	Hollis	Lewis	Pittman
Borah	Hughes	Lodge	Polindexter
Brady	Husting	McCumber	Pomerene
Bryan	James	McLean	Ransdell
Chamberlain	Johnson, S. Dak.	Martin, Va.	Reed
Curtis	Jones	Martine, N. J.	Robinson
Fall	Kenyon	Myers	Saulsbury
Gallinger	Kirby	Norris	Shaftroth
Gronna	Lane	Oliver	Sheppard

Sherman
Simmons
Smith, Ga.
Smith, Mich.

Smith, S. C.
Smoot
Sterling
Thomas

Tillman
Townsend
Vardaman
Wadsworth

Weeks
Williams
Works

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Oklahoma [Mr. GORE] through illness.

I was also requested to announce that the Senator from Texas [Mr. CULBERSON], the Senator from North Carolina [Mr. OVERMAN], the Senator from Tennessee [Mr. SHIELDS], the Senator from Montana [Mr. WALSH], the Senator from Minnesota [Mr. NELSON], the Senator from Utah [Mr. SUTHERLAND], and the Senator from Connecticut [Mr. BRANDEGEE] are absent on official business of the Senate.

Mr. POMERENE. I was requested to announce the absence of the senior Senator from Indiana [Mr. KERN] because of illness.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

Mr. WORKS obtained the floor.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a telegram, which will be read.

The telegram was read and referred to the Committee on Military Affairs, as follows:

[Telegram.]

INDIANAPOLIS, IND., February 6, 1917.

Hon. THOMAS R. MARSHALL,
Washington, D. C.:

It is with pleasure that the directors of the American Aircraft Co., of Indiana, offer to the Government of the United States their loyal cooperation in providing an adequate aerial defense.

THE AMERICAN AIRCRAFT CO.,
By A. G. FRENEY, President.

Mr. HARDWICK. Will the Senator from California yield to me just a moment for a formal matter?

Mr. WORKS. I yield for that purpose.

Mr. HARDWICK. Out of order I desire to present telegrams from certain citizens of Georgia respecting the pending revenue bill. I move that they be referred to the Committee on Finance.

The motion was agreed to.

Mr. HARDWICK. I also present a memorial of the Board of Trade of Brunswick, Ga., respecting harbor improvements at that city, which I move be referred to the Committee on Commerce.

The motion was agreed to.

Mr. SHEPPARD. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Texas?

Mr. WORKS. I yield.

Mr. SHEPPARD. With the permission of the Senator from California at the request of the Senator from Oklahoma [Mr. GORE], who is detained by illness, I ask that the telegram I send to the desk may be read.

The telegram was read and referred to the Committee on Foreign Relations, as follows:

OKLAHOMA CITY, OKLA., February 4, 1917.

Senator THOMAS P. GORE,
Washington, D. C.:

Mass meeting held at International College to-day. A unanimous appeal was made in the name of millions helpless to express themselves that you use your great office in crushing the war gods about to plunge our country into blood, death, and destruction. Give us justice at home before foreign regulation.

JOHN J. CARNEY, Attorney.
KATE BARNARD.
Dr. JAS. ARMSTRONG, President.
FRED HOLT, Treasurer.

Mr. CHAMBERLAIN. Will the Senator from California yield to me for just a moment?

Mr. WORKS. I yield to the Senator from Oregon, but I hope that Senators will defer these telegrams until a later time.

Mr. CHAMBERLAIN. I desire to present a telegram in the nature of a petition, which I ask be printed in the Record without reading.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

PORTLAND, OREG., February 6, 1917.

Hon. GEO. E. CHAMBERLAIN,

United States Senate, Washington, D. C.:

We petition you as our representative in Congress to use your utmost efforts to preserve peace. We should not engage in war except to save our honor or national existence. No situation exists at present, and while the voices of jingoes and munitions manufacturers are louder, the mass of the people oppose war. A blockade of Great Britain by Germany is of no greater moment than a blockade of Germany by Great Britain to the American people. In so far as we are concerned, the blockade by one belligerent of the other should be no cause of war. No urgent necessity or impending calamity requires us to break the blockade of either belligerent. Before the bloody scourge of war is brought upon us, with all its attendant dangers and calamities, we ask that the people who must do the actual fighting and undergo

the hardships and danger be consulted and given opportunity to determine by vote whether they want to give up their peaceful vocations and engage in further crushing civilization in the mad shambles of Europe. President Wilson was elected with the expectation that he would keep the country out of war, and we ask you to aid him in his efforts to that end. We pledge our loyalty to America and urge you to show your loyalty by keeping us out of war.

Adopted by mass meeting of over 1,000 citizens, who request you to lay this resolution before the Senate and House of Representatives.

THOMAS MANNIX, *Chairman.*

OUR RELATIONS WITH GERMANY.

Mr. WORKS. Mr. President, some days ago I gave notice that this morning I would address the Senate on the subject of our relations with Germany. Since that time the Senator from Missouri [Mr. STONE] offered a resolution bearing on that question which in effect is an indorsement of what has been done by the President of the United States up to the present time. I am not going to undertake to discuss that resolution at this time because it is not now before the Senate. I may desire to do so when it comes up for consideration. What I expect to do now is to address the Senate on the general subject of our relations with Germany growing out of the present situation. Before doing so I should like to present two or three telegrams bearing upon that question and have them read by the Secretary.

The VICE PRESIDENT. Without objection the Secretary will read.

The Secretary read as follows:

Senator JOHN D. WORKS,
Washington, D. C.:

CHICAGO, ILL., February 7, 1917.

We thank you most heartily for the courageous stand you are taking against the Stone resolution of indorsing Wilson's break with Germany. Fight on and you will win. We do not want war with Germany.

Sincerely, yours,

THEODORE C. BARTHOLOMEW AND FAMILY.

GREENVILLE, PA., February 6, 1917.

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.:

Congratulations on your stand for peace. Strive to get Washington's ear for Him who said, Put away thy sword and avert a spread to our land of the Almighty's plague of Europe in war.

WM. LOOSER.

PORTLAND OREG., February 6, 1917.

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.:

Oregon citizens in mass meeting assembled depend upon you to use your utmost efforts to preserve peace and highly appreciate your noble efforts of the past. The Nation does not want war. President Wilson was reelected because he kept us out of war, and is expected to keep us out of war in the future. The jingo press does not represent the true sentiment of the people.

THOMAS MANNIX, *Chairman.*

Mr. SHERMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Illinois?

Mr. WORKS. I do.

Mr. SHERMAN. I submit a telegram from Chicago, Ill., and a letter from an outlying town in another part of the State. I wish to state that I shall submit no further telegrams or letters on the subject named, because of the very large number that I have received. I selected these two as fairly indicative of the sentiment of the great majority I have received, which aggregate several hundred. I ask that the telegram be read first and the letter following.

The VICE PRESIDENT. Without objection the Secretary will read.

The Secretary read as follows:

UNION STOCK YARDS, ILL., February 5, 1917.

Hon. LAWRENCE Y. SHERMAN,
Care Mr. Porter, 421 East Capitol Street, Washington, D. C.:

The following resolution was adopted unanimously at the annual meeting of the Goodman Manufacturing Co.: "Resolved, That the stockholders of the Goodman Manufacturing Co., of Chicago, in regular meeting assembled, commend unreservedly the late action of the President of the United States in the maintenance of American rights and national honor, and pledge to the use of our Government in their defense, upon the Government's own terms, anything the company has or can provide."

FRANK S. WASHBURN, *President.*

ADDIEVILLE, ILL., February 4, 1917.

Senator SHERMAN,
Washington, D. C.

DEAR SIR: I want to urge you to use your influence with the President to come out boldly on the side of the allies and civilization and use every honorable means to crush Prussian militarism.

Yours, respectfully,

Mrs. ELLA SCHMIDT,
H. SCHMIDT.

Mr. WORKS. Mr. President, we have severed our long-time friendly relations with the Imperial German Government. This

is a first and long step toward war with that country. We may be about to plunge our people into the horrors of the dreadful war that is now dealing death and destruction in the countries of Europe, and are encouraging other neutral and peaceful nations to follow us in this fatal course. If this shall happen, as now seems almost inevitable, we are assuming the fearful responsibility of leading not only our own country but other nations now at peace into the most gigantic and murderous war the world has ever known. By our act we will make this an almost worldwide sanguinary struggle, that means the sacrifice of millions of lives, the destruction of the happiness of millions of now peaceful and contented homes, the peace and tranquillity of our own and other neutral nations, and the waste of untold millions of property.

Mr. President, can we be justified, will we ever be excused by future generations for taking this course, involving with unerring certainty the fearful consequences that must inevitably follow it? Can we in the years to come satisfy our own consciences that by such a course we, as the responsible representatives of this country, are serving the best interests of the peace-loving people of a free Republic or of humanity?

The President has made the first fatal move. The next step that will plunge our people into a bloody conflict, if taken, must be ours. Congress alone has the power under our Government to declare war. So, if we go to war with Germany, it will be by our act and we alone will be responsible for the consequences. The President has been applauded for making this first move toward war. Doubtless thousands of the American people, little comprehending what must follow, would applaud Congress if it should at once declare war against Germany. The public mind has been prepared for such a mad course by the unseemly and unpatriotic propaganda in favor of preparedness for war. The war spirit, the desire for conflict, have been insidiously instilled into the minds of our people by this selfish agitation in favor of preparedness for the shedding of human blood. Preparedness for war has been established in the minds of the people without the physical means of making that condition of mental preparedness effective. The minds of the people were made ready to accept and applaud an act that means war. The act of the President that is expected to lead to this result has been accepted by the public mind thus falsely educated and inspired. Mentally the good, peace-loving people of the Nation have by this means been led astray from the paths of peace and made ready to accept the prospect of physical warfare with rejoicing. The act of the President to such a distorted mind is accepted as courageous, even heroic. And, Mr. President, this is looked upon in this time, when most of the world is convulsed with war, as an act of patriotism.

Now, Mr. President, let us stop a moment to look this appalling situation squarely in the face, consider whether we are leading this Nation and why, and ask ourselves whether or not we are justified in the course so far entered upon and in carrying it out to its legitimate and fearful consequences. Now is the time to take counsel with ourselves and our consciences. Very soon it may be too late. War once entered upon, however much we may desire it, we can not draw back. The Nation once at war must and will receive our earnest, loyal, and undivided support. Have we the moral courage to do the things now that will avoid the war? To avoid it now may call for a higher degree of courage and real and unalloyed patriotism than to enter upon it or even to pursue it to the end. If ever true and unselfish patriotism and the highest standard of moral courage, courage far more important and often more difficult than mere physical courage, on the part of public officials was called for, it is now. If we fail now the blood of millions of people may be on our hands.

I know how ready human beings are to resent encroachments on their rights and how hard it is to forbear and forgive such offenses. In the minds of too many people it is looked upon as cowardly and pusillanimous to forgive any offense. Time was when personal offenses, or even trivial affronts, could be settled only by the spilling of blood on the field of honor and the man who failed or refused to resort to that means of redress was looked upon as a coward and a poltroon. But, in modern and more civilized times, to engage in a duel has become disgraceful and made unlawful. Unfortunately this is not yet so with nations. If it had been the world would have been spared the terrible war now raging in Europe and which is threatening to invade this continent.

It is my purpose, with the indulgence of the Senate, to consider whether we are justified, in the interest of our own people, in pursuing the course we have now entered upon in our dealings with Germany.

The President, in announcing to Congress that he had severed diplomatic relations with the Imperial Government of Germany, has recounted in part the events leading up to this unfortunate step. He commences with the note of this Government, of April 8 last, to the Government of Germany, induced by the sinking of the *Sussex* by a German submarine and the consequent loss of the lives of American citizens. I shall review the correspondence between the two Governments, commencing with the note mentioned, in a moment. Before doing so I want to go back a little further. In any attempt to deal frankly with this situation, we must search our own national conscience and consider how far, if at all, our own conduct has contributed to the unfortunate situation in which we now find ourselves.

The first and most cruel wrong done to the rights of American citizens by the German Government was in sinking the *Lusitania*, which resulted in the loss of many American citizens. That it was a cruel and unjust wrong to our people and to the Nation no one, certainly no American citizen, will presume to deny. But, sir, it is well for us to consider in this connection how far we ourselves, by our own course of action, contributed to this loss of American lives. At the very time of this occurrence we were supplying to the enemies of Germany arms and munitions of war to enable them to carry on the war against that country with whom we were at peace. The *Lusitania*, a passenger ship, was loaded with these missiles of death. Many a German soldier had met his death in the trenches, many others had returned to their homes maimed for life, many widows and orphans were mourning their dead as the result of the nefarious trade of American citizens in war munitions. Before the *Lusitania* sailed warning was given that she would be torpedoed if she attempted to cross the ocean freighted with a cargo that meant death and destruction to German subjects.

Our Government knew what was threatened, but we allowed the ship to sail, carrying American citizens into the very jaws of death. Germany was fighting for her life. So were England and France and the other nations engaged in the war. What could have been expected of Germany under such circumstances? What moral right had we to tempt her to this fearful act by this threat against the lives of her people? This Government can not shield itself from the fearful responsibility it is bound to accept for this dreadful tragedy. We have continued from that time on to aid the enemies of Germany in the same way. I have consistently opposed it from the beginning. We have not been neutral as a nation; many of our people have not attempted to conceal the fact of their unneutrality. If we had been wholly neutral, as we professed to be, we would never have been brought to our present relations with Germany. Great Britain has persistently violated our rights on the sea as a neutral nation. She has searched our ships, rifled our mails, and in other ways treated our rights with contempt. We have borne these wrongs as patiently and with as great a degree of forbearance as if we had been the ally of Great Britain instead of being a neutral nation.

Mr. President, this was the unhappy condition of things affecting our relations with Germany when the *Sussex* was sunk and more American lives sacrificed. Certainly Germany had no reason to feel kindly toward us. She must be judged, as we must, by the conditions as they then existed; conditions brought about by us for merely commercial gain, at the expense of German lives. These conditions were not mentioned by the President in his message. We would all be glad to forget them. But the situation that now confronts us, that may mean war for our country, is too serious to permit of evasion or any attempt to escape the consequences of our own mercenary acts.

This brings me to the matter of the President's message in which he expresses his belief that he was justified in severing our friendly relations with the German Government. It is not my purpose to question the good faith of the President in taking this step. I assume without question he has taken the course that he felt it his duty to take as the Chief Magistrate of the Nation. However much I may differ from him, I must give him credit for conscientious motives and patriotic purposes in a matter so grave and important.

But, Mr. President, I do differ from him. With a profound sense of my own responsibility as a representative of the American people, I protest against this or any other movement that tends toward war with Germany for no greater cause than has yet been given us. It is charged against the German Government that she not only violated the rights of American citizens on the sea, but that she has violated her solemn promise, made to this Government, not to further engage in the sort of submarine warfare that resulted in the sinking of the *Lusitania*. That Germany has violated the rights of our people on the sea, under international law, no one can deny. But so has Great Britain, and so would any other belligerent nation fighting for

existence, if necessary for her success. So would we do, I apprehend, under the same circumstances. So as to that phase of the controversy the question is, Should we go to war with Germany on that account? I can not bring myself to believe that we, serving the best interests of our people, should go to any such extreme.

Now, sir, let us look for a moment at the correspondence between this country and Germany and see whether that country has violated any promise made to us as to the future course of submarine warfare to be conducted by her. In the first *Sussex* note the President said to the Imperial German Government:

If it is still the purpose of the Imperial Government to prosecute relentless and indiscriminate warfare against vessels of commerce by the use of submarines without regard to what the Government of the United States considers the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue. Unless the Imperial Government should now immediately declare and effect an abandonment of its present methods of submarine warfare against passenger and freight carrying vessels, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire altogether.

In this note we declared that unless Germany—

Should declare and effect an abandonment of its present method of submarine warfare—

We should have—

no choice but to sever diplomatic relations with the German Empire altogether.

This was a most unfortunate statement, we may call it threat, for us to make. It put the President in the position that compelled him either to back down or do what he has now done, sever our relations with that country. It was exceedingly unwise to say in advance, without qualification, that this Government would have no other choice. It had another choice as I shall presently show, a choice that would insure our continued peace and not involve us in war. But the German Government submitted to this demand in the following language:

The German Government is prepared to do its utmost to confine the operations of war for the rest of its duration to the fighting forces of the belligerents, thereby also insuring the freedom of the seas, a principle upon which the German Government believes now, as before, to be in agreement with the Government of the United States.

The German Government, guided by this idea, notifies the Government of the United States that the German naval forces have received the following orders: "In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such vessels, both within and without the area declared a naval war zone, shall not be sunk without warning and without saving human lives, unless these ships attempt to escape or offer resistance."

However, this promise not to pursue the then course of submarine warfare was not without reservation or qualification. It was said further in this same note:

Neutrals can not expect that Germany, forced to fight for her existence, shall, for the sake of neutral interests, restrict the use of an effective weapon if her enemy is permitted to continue to apply at will methods of warfare violating the rules of international law.

Such a demand would be incompatible with the character of neutrality; and the German Government is convinced that the Government of the United States does not think of making such a demand, knowing that the Government of the United States has repeatedly declared that it is determined to restore the principles of the freedom of the seas, from whatever quarter it has been violated.

It is true that our Government did not accept this reservation. Our second note contained this clause:

The Government of the United States feels it necessary to state that it takes for granted that the Imperial German Government does not intend to imply that the maintenance of its newly announced policy is in any way contingent upon the course or result of diplomatic negotiations between the Government of the United States and any other belligerent Government, notwithstanding the fact that certain passages in the Imperial Government's note of the 4th instant might appear to be susceptible of that construction.

In order, however, to avoid any possible misunderstanding, the Government of the United States notifies the Imperial Government that it can not for a moment entertain, much less discuss, a suggestion that respect by German naval authorities for the rights of citizens of the United States upon the high seas should in any way or in the slightest degree be made contingent upon the conduct of any other Government affecting the rights of neutrals and noncombatants. Responsibility in such matters is single, not joint; absolute, not relative.

But, as the President says in his message, the German Government made no reply to this note. Consequently, the reservation of the purpose to again pursue the kind of warfare to which we objected in the circumstances named still stands and was never withdrawn. This being so, we can not justly base our own warlike movement on any breach of promise not to reengage in this objectionable sort of warfare, for there has been no such breach. So we had greater cause to sever our relations with Germany as the result of the *Sussex* incident than we have now, because that was an overt act against our neutral rights, while the action we have now taken is founded on a mere threat to commit similar acts in the future. To have been entirely consistent we might better have waited until the threatened act had been committed.

But, sir, let me go a little further and ask whether we would be justified in plunging our Nation into this great war because our rights on the sea are being violated by Germany as a war measure. Of course, the President was right in his position that Germany could not, in a legal sense, be excused for violating our rights because some other nation was violating Germany's rights, as well as our own, in the same way. I am not discussing the question on the basis of legal or international right. Everybody knows that the rules of international law can not stand in case of actual war between nations. They never have and they never will.

No nation, not even our own, would submit to be destroyed by war if it could save itself by breaking the rules of international law as it affects neutral as well as belligerent nations. It will violate the law and take the consequences whatever they may be. It is idle to expect anything else.

Now, Mr. President, this was precisely Germany's case. It was the case of Great Britain and France. They have violated our international rights just as plainly and conspicuously as has Germany but not in the same way. It was the avowed purpose of the enemies of Germany to deprive her of the benefits of the open sea and, as incidental to their purpose to starve the German people into submission, they deprived our and other neutral nations of the freedom of commerce on the sea. Our ships and others carrying our products, not to Germany, but to other neutral nations, were seized, the cargoes held, and our mails rifled. Let us assume that all this was done as a war measure against Germany and not an act of aggression against us. But so is the act of Germany directed against her enemies and not against us. She may do it in a more brutal and more effective way but one is as much an encroachment on our rights as the other and should be judged by the same standard. Therefore we can not consistently sever our relations with Germany and continue them with Great Britain. But, sir, was the President right in saying to Germany that we would, if she continued her then mode of warfare, have no choice but to sever our friendly relations with her? On the contrary there is another and far better choice open to us and one that leads to our continued peace while the choice made means almost certain war.

The German Government has declared a danger zone about its enemies and given notice that any vessels found in that zone, with certain exceptions, will be sunk. What should be our choice under such conditions? I say to keep our ships and our people out of this danger zone until the war is over or the embargo removed. Oh, but my belligerent but well-meaning friends say this would be cowardly and beneath the dignity of a great Nation or one of its citizens. May God protect this Nation from that kind of courage. To avoid the horrors of war this act of prudence on the part of our Government would be a great act of moral courage by a great country that should be a worthy and patriotic example to all the nations of the world.

Of course the Government is in duty bound to protect its citizens abroad as well as at home; but the best and surest protection it can afford them now is to keep them out of this danger zone. It would mean a temporary suspension of trade and the loss of a few thousands of dollars to a very few people. But what would this be to the millions of dollars lost, to say nothing of the sacrifice of thousands of lives by going to war to protect this trade on the high seas? American citizens in Mexico have been compelled by the Government to abandon their permanent homes, lose everything they had in the world, and become homeless and destitute refugees to keep us out of war with that country. Why not be consistent and apply the same rule here?

And so of the individual citizen whose rights are thus invaded. To unselfishly surrender that right by remaining outside of the danger zone, thus protecting his country from the perils of war, would be an act of patriotism and devotion to the best interests of humanity worthy of the highest commendation. And, sir, if any citizen is so unpatriotic as not to do this thing, then the Government should compel him to do it and thus keep our country out of war. And why should this not be done? Suppose there were a riot on one of the streets of Washington dangerous to the lives of citizens in that locality. Any citizen would have the right to travel the street, but would not any sensible and prudent man for his own protection, and as a means of suppressing the riot for the public good, keep out of the danger zone, and would not the police use force, if necessary, to keep the people off the street? Most certainly this would be done, and no one would question its wisdom or its propriety. Then why should not this same thing be done, by force if necessary, where two nations are fighting, resulting in a zone where noncombatants can not enter without endangering their lives or their property and imperiling the peace of their country?

I insist that neither a private citizen nor the President nor the Congress of the United States can be justified in driving this Nation into war or endangering its peace by any such false sense of courage or national prestige or dignity.

Mr. President, my term of service here will terminate in a few days. I may not be called upon to assume further responsibility in this grave and important matter. I have felt constrained, under existing circumstances, to express my views on the subject now, as we may be on the eve of taking the final step that commits the Nation to the arbitrament of war.

Mr. BRADY. Mr. President, I have a telegram, just received since the Senator from California commenced his remarks, which I believe he would be pleased to have read into the Record.

Mr. WORKS. Very well.

Mr. BRADY. I ask the Secretary to read the telegram I send to the desk.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read the telegram, as follows:

NAMPA, IDAHO, February 6, 1917.

Senator JAMES A. BRADY.

Washington, D. C.:

We appeal to you to consider Bryan's statement to American people urging official joint conference of neutral nations to consider safeguarding common rights at sea before war move by American Government.

H. A. PARTRIDGE,

Rev. GATES YOUNG,

Pastor First Presbyterian Church of Nampa.

Rev. FATHER J. P. RIES, S. M.

H. C. BRADLEY

Ex-State Representative.

Mr. BRADY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Holls	Martin, Va.	Smith, S. C.
Borah	Husting	Norris	Smoot
Brady	James	Owen	Stone
Bryan	Jones	Page	Thomas
Chamberlain	Kenyon	Pittman	Thompson
Chilton	Kirby	Polinder	Tillman
Clark	La Follette	Pomerene	Underwood
Coit	Lea, Tenn.	Ransdell	Vardaman
Fall	Lee, Md.	Robinson	Wadsworth
Fletcher	Lewis	Shafroth	Watson
Gallinger	Lodge	Sheppard	Williams
Gronna	McCumber	Sherman	Works
Harding	McLean	Smith, Mich.	

Mr. JAMES. I desire to announce that the Senator from Georgia [Mr. SMITH], the Senator from North Carolina [Mr. SIMMONS], and the Senator from New Jersey [Mr. HUGHES] are absent on official business.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

Mr. STONE. Mr. President, I ask unanimous consent that the resolution I proposed on the day before yesterday, relating to the President's message in joint session on the 3d instant, be now laid before the Senate.

The VICE PRESIDENT. The Chair, hearing no objection, lays before the Senate the following resolution.

The SECRETARY. Senate resolution 351, submitted by Mr. STONE on the 5th instant:

Whereas the President has, for the reasons stated in his address delivered to the Congress in joint session on February 3, 1917, severed diplomatic relations with the Imperial German Government by the recall of the American ambassador at Berlin and by handing his passports to the German ambassador at Washington; and

Whereas, notwithstanding this severance of diplomatic intercourse, the President has expressed his desire to avoid conflict with the Imperial German Government; and

Whereas the President declared in his said address that if in his judgment occasion should arise for further action in the premises on the part of the Government of the United States he would submit the matter to the Congress and ask the authority of the Congress to use such means as he might deem necessary for the protection of American seamen and people in the prosecution of their peaceful and legitimate errands on the high seas: Therefore be it

Resolved, That the Senate approves the action taken by the President as set forth in his address delivered before the joint session of the Congress, as above stated.

Mr. STONE. Mr. President—

Mr. JONES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JONES. What has become of the unfinished business?

The VICE PRESIDENT. The resolution has taken its place by unanimous consent.

Mr. JONES. I did not understand that the request was put to the Senate to lay aside the unfinished business.

The VICE PRESIDENT. The Chair said if there was no objection it would be laid before the Senate.

Mr. JONES. I desire to object to setting aside the unfinished business. I think the matter ought to be submitted to the Senate.

Mr. STONE. The unfinished business is the agricultural appropriation bill?

Mr. JONES. Yes.

Mr. STONE. I think there will be no difficulty in getting that up at any time.

Mr. JONES. I do not give consent to laying aside the unfinished business.

Mr. LODGE. I was sitting here listening to the proceedings. The Chair submitted the question and asked if there was objection; paused; there was no objection, and he recognized the Senator from Missouri.

Mr. JONES. I was sitting here just the same as the Senator from Massachusetts, and I was listening for a statement as to whether the unfinished business should be set aside. I supposed the resolution was simply laid before the Senate for discussion. I had no objection to that, but I do object to laying aside the unfinished business.

The VICE PRESIDENT. The unfinished business will immediately follow the disposition of the resolution. It is only temporarily laid aside.

Mr. JONES. But I desire to object to its being temporarily laid aside.

Mr. SMITH of South Carolina. I make that request.

Mr. JONES. I want an opportunity to do that.

The VICE PRESIDENT. There can not be two things pending at the same time before the Senate.

Mr. JONES. I appreciate that, but I object to laying aside the unfinished business to take up the resolution.

Mr. STONE. What is the ruling of the Chair?

The VICE PRESIDENT. The Chair, assuming that there was no objection whatever, laid the resolution before the Senate.

Mr. STONE. What is, then, before the Senate?

The VICE PRESIDENT. The Senator from Washington says he did not hear what the Chair said and he is objecting now.

Mr. JONES. No, the Senator from Washington did not hear any request made to lay aside the unfinished business.

The VICE PRESIDENT. We will cut the Gordian knot by laying the resolution before the Senate at the present time, if there be no objection.

Mr. JONES. I object to laying it before the Senate if it means setting aside the unfinished business.

Mr. STONE. It has been laid before the Senate and read.

Mr. JONES. If the Senate desires by motion to take up the resolution and displace the unfinished business, I suppose it can do it, but I object to laying aside the unfinished business.

Mr. SMITH of South Carolina. I ask for information if it is in order now, having charge of the unfinished business, for me to make a request that it be temporarily laid aside. I think that will meet the objection.

The VICE PRESIDENT. That can only be done by unanimous consent.

Mr. STONE. Does the Senator object to that?

Mr. JONES. I object to laying aside the unfinished business.

Mr. STONE. I move that the Senate proceed to the consideration of Senate resolution No. 351.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri.

The motion was agreed to.

Mr. STONE. Mr. President, I shall address the Senate at this time quite briefly, but before speaking directly to the resolution read from the desk I desire to read a short cable dispatch which I clipped from the Sunday issue of a Washington paper:

LONDON, February 4.

America's break with Germany to-day brought together a large number of prominent Americans in London.

A meeting, hurriedly and informally arranged, immediately took up plans for the care of Americans now in Germany and assistance to them in case they wish to return to America or to England.

Upon the Americans in London will fall a vast amount of activity connected with the probable exodus of United States subjects—

I pause here to interpolate that probably the foreign gentleman who penned this cablegram is not aware that the people who owe allegiance to the Constitution and Government of the United States are in the Constitution described as "citizens," not "subjects"; and while they are subject to the laws of the United States and of the States of which they are severally residents, the true type of the American prefers to be described as a citizen rather than as a subject—

Upon the Americans in London will fall a vast amount of activity connected with the probable exodus of United States subjects from the central countries, and plans are being made to be of every possible assistance to the embassy here.

THOUSANDS LINE STREETS.

Thousands of Englishmen lined the streets of the West End to-day and cheered as members of the American colony paraded the streets to the American Embassy.

Every American in London to-day is a hero. The attitude of the English people, heretofore indifferent—at times almost antagonistic—has changed to that of enthusiastic approbation.

The tune of "The Star-Spangled Banner" was greeted by tumultuous applause at every public gathering. The staid Englishmen, usually apathetic to every tune save "God, Save the King," were stirred to-day by the American anthem to the heights of enthusiasm which marks the rendition of "Dixie" south of the Mason-Dixon line.

WILSON CHEERED.

The picture of President Wilson displayed last night at theaters and movie houses was cheered tumultuously.

A great crowd that gathered before the United States Embassy last night cheered the President to the echo. Dignified business men, women in costly gowns and furs, mingled with sailors, clerks, and the human derelicts that are to be found in every national capital.

Frock-coated, black-cravated gentlemen joined with leather-junged youths in the old "locomotive" yell of college days. The English spectators at first could not understand the phenomenon of several hundred persons, strange to each other, uniting as though rehearsed, in ear-splitting explosions of enthusiasm.

JOIN IN SALVOS.

But soon they caught the swing of the yell, and the shrill treble of the street urchin and rumbling basso of boulevard spectators joined in the rhythmic vocal salvos.

Editorial comment of London newspapers to-day was not only enthusiastic in the highest degree of President Wilson's action in breaking with Germany, but charitable over his previous restraint under "trying circumstances."

TYPICAL COMMENT.

The comment of the Sunday Times—not the Times owned by Lord Northcliffe, but another newspaper—was typical. "The President," it said, "strove with all his power and resources to steer the country clear of war's maelstrom, but the official head of a great and proud people could not expect to stomach such deliberate, wanton insult as Germany's latest note. Its terms were in effect an ultimatum, and America so recognizes it."

"America, unhesitating, is accepting the challenge to the whole world," declared the People. "Its acceptance is tantamount to a declaration of war."

A number of London newspapers published pictures of President Wilson with the caption, "The man of the hour." Their laudation of his course was fulsome.

The News of the World declared: "The Kaiser goaded a great republic into hostility. Lincoln's land will answer with the sword."

A great number of articles of like import have been appearing from day to day in the American press. I can not foretell what eventualities may result from the regrettable international entanglements in which we are now involved. Plainly we are facing a situation in which unhappily our diplomatic relations are sorely strained with respect to some of the belligerent European nations, but I desire to impress my conviction and to express the hope that we will not lose our equilibrium and be swept off our feet, at least at the instance of any foreign power or under the influence of a foreign propaganda put forth for the purpose of exciting us into war. In a matter of this grave import I resent and repel any attempted foreign dictation, no matter from what source it emanates or in what form it comes. We should take our own course in our own way, insisting that foreign powers and foreign or semiforeign peoples attend to their own business. At the same time I venture to express the hope that the officials and people of the United States will avoid any speech of a partisan character calculated to excite passion in our own country.

I have presented this resolution because I think we should let the world know that we support the President of the United States whenever, acting within his constitutional power, he speaks authoritatively for the country. There are Senators who thought it would have been the better part of wisdom if the President had postponed the severance of diplomatic relations with Germany at least until Germany had committed some overt act offensive to this Government and sufficiently aggravated to warrant a step so grave in possible consequences; but the President took a different view, which with great ability he strongly supported in his address before the joint session on the 3d instant, and as, according to my view, he acted within his constitutional authority, I think it both wise and advisable for the Senate to say officially that it accepts and approves this action of the Nation's Chief Magistrate.

The Constitution provides that the President "shall receive ambassadors and other public ministers." The Constitution says nothing about the dismissal of ambassadors and ministers, although Presidents have frequently dismissed such officials on their own initiative. I think the President has this authority, because to him is committed the primary duty and power of conducting our diplomatic affairs, and the constitutional authority to "receive" ambassadors and ministers probably carries with it, as a corollary, the power to dismiss. Nevertheless, it has been said by some whose opinions demand respect, among them at least two Presidents of the United States, that it was the part of wisdom for the President to take the official advice of the Congress before even receiving ministers in circumstances

that might be offensive to another and friendly Government, particularly in cases where a part of the people of such a Government had revolted and set up an independent government of their own. It has been said that in such circumstances it might be provocative of war for this Government to recognize a revolutionary government by receiving a minister therefrom, and so it was thought that as such action on the part of the Chief Executive in its final analysis concerned the "war-making power," it would be advisable for the Executive to consult the Congress in advance. This was the view of President Jackson with reference to the acceptance of a minister from Texas, but manifestly it was not the view of President Roosevelt in the case of Panama. E converso it has been argued that in view of the fact that the peremptory dismissal by the President of a foreign diplomatic representative to this country might lead to the most serious consequences, the President might wisely lay the whole matter before the Congress in advance for its official advice.

However, whatever may be said pro or con in this behalf, it is more a question of policy than of law. I hold that the President is primarily charged with the conduct of our diplomatic relations with foreign powers, and, unless the circumstances should be extremely exceptional, I feel constrained to support and approve the act of a President in dismissing a foreign ambassador or minister, or even in terminating diplomatic relations and putting an end to the ordinary means of international intercourse. As a matter of fact that is practically the identical situation in which we find ourselves with respect to the Republic of Mexico, and that situation has been at least acquiesced in by the Congress for three or four years. In the instance now before us the President has resolutely discharged his duty as he sees it, acting within his authority, and for one I feel that we should let the country know and the world know that we support his action in this behalf.

The mere severance of diplomatic intercourse, while it results in strained relations of acute form, is held to be not an act of war. If it were an act of war the President's right to take such action on his own initiative and without the concurrence of the Congress might indeed be regarded as questionable. The President understands this, and substantially so stated in his address. He recognizes that the Congress only has constitutional power to declare war or inaugurate hostilities against a foreign nation, and accordingly he said that if unhappily it should come to pass that he should believe it necessary to proceed in a more drastic way, he would present the situation to the Congress and ask legislative authority to take such action as the Congress might deem advisable in the premises. That would undoubtedly be the proper constitutional course. If the President should find it necessary, in his own judgment, to again present this matter to the Congress for legislative action, or if the Congress as the war-making power should on their own initiative proceed to the consideration of the questions involved, it would then be the duty of the Congress to proceed upon their own initiative and upon their own responsibility. Whenever it becomes necessary for the Congress to act in this form and manner we will then have reached a point where the President must wait upon the action of the law-making department, unless perchance some emergency should arise making immediate action necessary to resist invasion. It is now only proposed to approve the action of the President with respect to a matter within his constitutional province. If, later, the Congress is called upon to act, then we must discharge our duty from our own viewpoint and upon our own responsibility.

I join the President in his expression of the hope that no adequate occasion will arise to make it necessary, even in his judgment, to again present this subject to the law-making power of the Government. I shall move, Mr. President, that the Senate agree to the resolution without reference to the committee.

Mr. President, I intended before taking my seat, and with the view of refreshing the memory of Senators, to lay before the Senate some authorities respecting (1) the declaration and commencement of war, (2) respecting diplomatic relations between independent states, (3) respecting blockades instituted by one belligerent power against another, (4) and possibly respecting one or two other cognate questions of special pertinence in this juncture of our affairs.

However, Mr. President, being averse to the unnecessary consumption of time in reading these various authorities, some of which are now lying on my desk, I believe I will ask unanimous consent of the Senate to print these excerpts from well-recognized authorities touching the several subjects indicated, in the form of a Senate document. It will not necessitate, I am sure, the publication of a pamphlet exceeding 10 or 12 pages. I think such a pamphlet would be useful to Senators at this time in view of possible eventualities. I therefore ask unanimous consent to print the matter referred to in the form stated.

The VICE PRESIDENT. Without objection, it is so ordered. Mr. STONE. Then, Mr. President, I move the adoption of the resolution.

Mr. LODGE. Mr. President, this resolution gives the approval of the Senate to the action taken by the President as set forth in his address delivered before the joint session of Congress. That action consisted of the severance of diplomatic relations with Germany. The President then announced that he had handed to the German ambassador his passports and had recalled our ambassador from Berlin.

In my opinion, Mr. President, the President of the United States in taking that action did what was demanded by the honor, the safety, and the future security of the United States. But my personal opinion as to his action is of no consequence at this juncture. The Constitution of the United States has vested the President with the conduct of our foreign relations up to the point when war is the next step. Of his right under the Constitution to dismiss a foreign representative I have no question. The power which can alone receive must, in the necessity of things, be the power which must dismiss. In the exercise of his constitutional power, and with the high responsibility of his office resting upon him, the President has taken this action. It has placed us in controversy and created a strained situation with a foreign nation.

Under these circumstances, so far as I am concerned, party lines vanish, and any criticism of the past or any criticism of the present is silenced for me. When my country is in controversy with a foreign nation I can see for myself but one duty, and that is to stand by and to support the recognized constitutional authority of the Government in our dealings with foreign nations.

I see no place here at this moment for the discussion of an embargo on munitions of war. I think the President was quite right in refusing to impose such an embargo if he desired to preserve neutrality. It seems to me also quite out of place to attempt to apportion blame or praise among other nations. This is not the time nor the place for the expression of sympathies for one side or the other in this great war. There is only one question before us, and that is our relations with one of the great powers of the earth at this moment.

The President has taken grave action. I feel it to be my duty, as I have said, to support him to the utmost of my power. He is the President of my country, the President of the United States. And, Mr. President, if, as we all pray, further difficulties are to be avoided and we are to be saved from war, in my poor judgment there is one step more important than any other, if we are to preserve our peace under existing conditions, and that is to show to the people of the country that we are without divisions at this moment; that we are thinking only of the United States and its representative in all international questions. If we exhibit divisions we exhibit weakness, and weakness is the temptation to those intolerable aggressions which would surely bring the war that we all seek honorably to avoid.

My earnest hope is that at this time personal feelings, political feelings, political enmities will all be laid aside, that we may remember only that we are citizens of a common country, that we are all Americans, and that our first duty is to stand together in this controversy, which has unhappily arisen with another nation, and let that nation and the world know that when the President speaks, as he has spoken, he has the Congress of the United States and the people of the United States, no matter what their race or origin, behind him in the one simple character of American citizens.

Mr. SMITH of Michigan. Mr. President, I hesitate very much about intruding myself into the discussion, and yet I feel my responsibility as a Senator and think I will be better satisfied, at least, if I say what is in my heart to say.

We are asked to support a resolution offered by the chairman of the Committee on Foreign Relations, the Senator from Missouri [Mr. STONE]. His appeal is not addressed to Senators upon one side of the Chamber or upon the other, but to Senators upon both sides. We are face to face, in my opinion, with a very delicate and trying situation. If there was any error in the course which has been pursued—and I do not assert that there was—it is now too late to rectify it.

Our diplomatic relations with Germany have been severed by Executive order, and international confusion and dismay have superseded the calm, dispassionate, and sympathetic attitude of the American people toward those engaged in an awful struggle for existence. Whether this situation could have been avoided or not, it is now useless to discuss. The President has committed the country, at least to this extent; and, no matter how Senators may have differed with him regarding the wisdom or

necessity for the step, it has been taken, and it would be a national humiliation now to repudiate his course.

However, Mr. President, he can go no further. The next step, if it should be taken, must be taken by the Congress, to whom the people have confided their destiny by strict constitutional decree. The responsibility for war rests solely with Congress as the guardian and spokesman of the American people. Let us in this solemn hour take counsel of our conscience, measure the awful cost and sacrifice which hinges upon our act, and take only such course as necessity impels, guided by the spirit of the fathers and influenced only by the best interests of our country.

Mr. President, I do not believe the Imperial Government of Germany would intentionally affront us, and we must be very careful not to aggravate any belligerent State now struggling for existence. We must "play no favorites" in that awful struggle. Our first duty is to America and Americans, and we must face the present situation with calmness and candor, with courage and fidelity. May God grant that our country may be spared the horrors of war without humiliation or the sacrifice of any sacred right. I shall support the President.

Mr. VARDAMAN. Mr. President, a grave responsibility rests upon every Member of this body in the consideration of the delicate question before the Senate. It is a responsibility which can not be avoided, however disagreeable it may be to meet the issue. That the Members of the Senate will rise equal to the demands of the solemn situation the heroic past of our common country bids me hope. The way to meet a grave issue is not to blindly follow the President or anybody else. The responsibilities of the Senate are equal and coordinate with the responsibilities of the Executive. If I could be true to my constituents and have the consent of my own conscience and avoid the responsibility of meeting this question by simply referring it to the President, I should be very happy; but I can not do that. I have a duty to perform which I alone can perform. Nor can any other Senator do it and be true to the obligations of his place. To paraphrase the language of another—

The American people honor the Senator wisely taught
That serveth not another's will;
Whose armor is his honest thought,
And simple truth his utmost skill.

In that spirit I shall try to meet the duties of the moment.

Mr. President, if in the mysterious providence of an All-Wise God war shall occur between the United States and Germany, there will be no division of sentiment or break in the ranks of patriotic Americans in defense of the Nation's flag. I shall do all within my power consistent with honor and national self-respect to avert the calamity of war. I am sure Germany does not desire war with the United States, and I know the people of the United States do not wish war with Germany, unless there is greater provocation for war than has yet been given. But if war must come, there will be no faltering on my part nor on the part of those whom I have the honor to represent in this Chamber in the performance of our duty to the Nation.

This country is the common parent of us all, and it matters not what the cause of the quarrel may be. When war is on we shall ask no question, but rather, inspired by a sense of heroic obligation to our country, present a solid, invincible front to the common enemy. I shall vote to give the President men and money to the last soul and dwindling farthing to be used in the Nation's behalf; but I can not vote for this resolution for the reason that it does not express my sincere and best judgment. I do not believe that the President's course was wise, prudent, justified at this time by the facts and for the best interest of the American people and the peoples of the world.

I do not in any sense condone murder upon the high seas, of which Germany may be guilty; nor do I in any way extenuate Great Britain's insolent, cruel, and persistent violation of international law and her contemptuous disregard of the rights of neutrals upon the high seas. Both of these nations are culpable. Their crimes differ only in degree. The motives behind their every act are identical. Cruel selfishness that would crucify truth and immolate justice to promote a personal end is the impelling purpose. Nor would I be understood as questioning the correctness of the President's interpretation of the cold, technical letter of international law. He is, in all probability, correct in his statement as to what the law is to-day, but—

New conditions teach new duties;
Time makes ancient good uncouth.

And I think that the time is at hand and the circumstances demand that America, occupying a position of such commanding advantage, should write a little international law—law with heart and soul in it, adaptable to the new conditions, placing the rights of man and the human element above the increment of commerce. Such a law would vastly promote the

welfare of humanity throughout the world and better protect the interests of the American people.

I admit that American citizens have the technical right under international law to enter the danger zone. It will not, on the other hand, be denied that their forbearance to exercise that right or privilege at this particular time would redound gloriously to the peace and permanent prosperity of the world. I submit that it would be the highest evidence of perfect neutrality if the United States Government should see to it that our citizens forbear the exercise of such a right. For our country to be drawn into this vortex of blood and plunder to satisfy the greed and cupidity of those who would coin the blood of the murdered soldier and the tears of the broken-hearted women into dollars or perhaps to gratify the desire and vanity of a few daring spirits bent upon a bold and venturesome enterprise would be a calamity, aye, more, a blunder on the part of this administration, the cruel consequences of which the present as well as countless generations yet unborn must sorely suffer.

I trust that God's loving providence may save our common country from further implication in this world disaster, this inexcusable, horrible, and heartless slaughter of human beings; but I am afraid that only through Divine intervention is there basis for such a hope. The men of Europe are mad, the brain reels with a suffusion of hot blood, and the passions of hate poison the heart. They are, as wild beasts following the instinct of self-preservation, fighting for existence. In this state of mind I am afraid that something may be done without intending to offend the American people to justify the President of the United States from his own sense of duty in doing what he has said he would do in the event that Germany persists in her threat to blockade the ports of Great Britain with her submarine fleet. The traffickers in the spoils of war, the sharers of enormous profits of international commerce, have done their pernicious work in the creation of an unhealthy, abnormal, pernicious sentiment in favor of war which seems to have temporarily dethroned the reason of men the world over and poisoned the very current of human love.

God give us pause to contemplate the consequences that will inevitably flow from the things we are about to do. Let prudence, love, fortitude, and truth characterize our deliberation to-day.

The VICE PRESIDENT. The question is on the adoption of the resolution of the Senator from Missouri.

Mr. WORKS. Mr. President, I have expressed my views upon the general subject of our relations with Germany, and do not desire to extend those remarks; but now, under this resolution, we, as Senators, are asked to connect ourselves with the act already done by the President and to make his responsibility our responsibility.

I am not willing to commit my conscience or my patriotism to the President of the United States or anybody else. I am asked by this resolution, as you are, to take affirmative action upon this question. If you believe the President was right, and you are called upon in the proper way to indorse his action, there is no reason why you should not do so; but by the same token, if I believe the President was wrong, when I am called upon to take affirmative action upon this question I shall be guided by my own conscience and convictions, and not by those of anybody else.

Mr. President, there is no reason why this question should have been brought to the Senate at all. The act of severing relations with Germany was an executive act. The President did not in advance ask the advice of Congress upon that question. There was no reason why he should. It was strictly within his jurisdiction. He took the responsibility, grave as it was, of pursuing the course he has taken. That responsibility should remain with him until we are called upon to take some action that is within our jurisdiction.

Why should we be asked to indorse what has been done by the President? We have no official connection with it. The responsibility does not rest upon us. But, Mr. President, there may come, and that very soon, a time when we will be called upon to follow in the footsteps of the President and take upon ourselves a responsibility of the highest character and the gravest consequences. Until that time comes, the mind of every Member of this body should be kept open and free to discuss and act upon that question uninfluenced by any previous action.

What are we proposing to do to-day by this resolution? We are proposing to indorse the act already done by the President and make it our act. That involves two things. The President has severed our relations with Germany, as he had a right to do if he thought it was his duty; but he has gone further than that and said to the Congress: "If Germany follows the course that is threatened, I shall call upon Congress to give me authority

to use the Army and Navy for the purpose of enforcing American rights." If we indorse the act done by the President in severing relations with Germany, at the same time, by enacting this resolution, we adopt his policy that if Germany pursues the course that is threatened we are ready to declare war upon Germany. That is what it means. It is practically a declaration of war on our part.

Mr. President, it may be that there are Members of this body who are ready now to declare war upon Germany, but I am not. Germany may do some act in the future that would cause you and me, as the representatives of the people of the United States, to take that step; but if the President should do what he says he is going to do under certain circumstances—call upon us to authorize him to use the Army and the Navy—who knows whether that is going to be upon such cause as you and I would regard as sufficient for a declaration of war against Germany?

If the President had severed relations with Germany, and if the Senator from Missouri had allowed the matter to rest there, as I think should have been done, and the Senate had not been called upon to take affirmative action upon it, nobody would have been inclined, I suppose—certainly nobody on this floor—to criticize the President for the action he has taken, however much we might differ from him as to the cause of severing relations with Germany. But now, as I have said, we are asked to take up this matter ourselves, as representatives of the Government, and make his act our act; and I am not ready to go to that extent.

Mr. President, it is all well enough for Senators to say that we should support the President. I am here, representing in part, the people of the United States, not any individual, whether he be President or somebody else; and I hold it to be my right and my duty, when I am called upon to act upon this or any other question, to do what I believe to be right, just as the President has done.

Of course, if we should come to war with Germany that would be quite a different matter. I presume no Senator would be heard to raise his voice against his own country if we should come to that pass. But now we are asked to take steps ourselves that may lead to war with Germany, and so far as I am concerned I am going to take the course that I believe to be right, and I am not going to commit it to the President of the United States.

We must recognize the fact that this is a critical time for the people of this country. If there was ever a time when Members of this body should act strictly upon their honest convictions, certainly this is the time.

Now, I am opposed to this resolution on conviction. I shall vote against it for that reason. It does not matter to me what the convictions of somebody else may be. I can not be guided by considerations of that kind. I am not here to criticize the President for what he has done so far. That was his responsibility. I am quite content to leave it to him. But now it is my responsibility, and I shall take the course to which I am led by my own convictions and oppose and vote against the resolution.

Mr. NORRIS. Mr. President, while I intend to vote for this resolution which the Senator from Missouri has offered, I regret very much that the resolution is before the Senate. If it is desirable that the action of the President in dismissing the representative of the German Imperial Government be approved by this body, then it seems to me it would have been much more appropriate if the action were asked in advance of the dismissal rather than to ask it now.

I know, or at least I believe, with the Senator from Missouri, that the weight of authority is that the President in dismissing the ambassador from Germany and severing diplomatic relations with the Imperial Government was within his province and within the bounds of his authority. I believe that has been, with few exceptions, the custom of the country. My own idea is that that doctrine is wrong. I do not believe that the President ought to sever diplomatic relations with any country with which we are at peace until he has first submitted all the evidence in his possession to the Congress and asked their action on it.

But I can not criticize the President for taking the other course. As I said, the weight of authority is probably with him in that course. So I must assume that he was acting then within his own province, and when he has so acted in an important matter like this I consider it my duty to weigh every doubt in his favor, and unless I have positive evidence to the contrary I would not criticize him, but, if compelled to vote one way or the other, would vote in approval of his action.

But, Mr. President, undoubtedly the President has had before him much evidence that we have never seen. How much weight that has had or ought to have in acting upon the question I

can not say. At least, it seems to me it would be fair to the Congress, if we are called upon to pass our judgment on this question, that all the evidence and all the correspondence be laid before us before we act officially.

When the President, acting within the scope of his jurisdiction and his authority, takes a particular course, I feel it my duty as a citizen of the United States to follow him, but when I am called upon to vote "yea" or "nay" upon approval of an official act, then it seems to me I ought to be given all the light that he had when he acted officially. So while it does not seem to me to be quite fair to ask the Senate to pass upon the resolution in this way, I will vote for it, because I want no division in any matter as important as this.

Mr. President, I do not believe the resolution ought to be here, because our action can add nothing to or detract nothing from what the President has already done. We had a resolution before us not long ago approving the action of the President in sending notes to Germany and the other belligerent powers, or at least approving them in part. It seemed to me that that was out of place, although I voted for the resolution because I want the world to know that in any contest we may have with any of the belligerent nations our country and our people will be united. But if we are to have a resolution of approval of every official act of the President it will not be long until the people will believe, and will be justified in believing, that when he performs some official act and we do not pass a resolution of approval, therefore we do not agree with him.

Mr. President, the Constitution of the United States says that Congress alone has the power to declare war; but the President has the authority that he has taken in this case; and, as I said, I believe that the weight of authority gives him the right to take steps that will make war inevitable. If that is the right doctrine then the provision of the Constitution which gives to Congress the right to declare war, and the sole right, is of but little value. If the President can sever at his pleasure diplomatic relations with foreign governments, then in the President lies the real power to declare war, because although the Constitution says Congress has the sole right to declare war, the President having diplomatic matters supremely in his own hands can get Congress and the country in a position where they can not avoid war. If we are to give practical effect to the constitutional provision that Congress has the sole power to declare war, then the President ought never sever diplomatic relations with any nation with which we are at peace, or do any other act that in its natural course would have a tendency to bring on war, without first submitting all the papers and all the evidence to Congress, and then act on the judgment rendered by that official body to which is given by the Constitution the sole right to declare war.

I would have been glad if the President had submitted to Congress all the evidence bearing upon the question before he acted. I wish he had laid aside any technical right that he might possess and had taken the broad view that that course was the right course to pursue. The power that has the right under the Constitution to declare war ought to have the power over the steps that lead to war. But the President took the other course, and I admit he has followed distinguished examples and illustrious predecessors in those steps, and I would not criticize him for taking it, but it is his responsibility and not ours when he takes that course. Mr. President, when I vote for this resolution I think if I remained silent I could be properly charged with approving every act that has led up to it. I do not approve of the course that our President has taken in foreign affairs altogether. I think many mistakes have been made; and yet I have always refrained from publicly saying so, because I realize that the President being charged with responsibility is entitled to my support, even though I do not agree with every detail and every step that he has taken. I am willing to give that to him as a citizen and as a Senator both, but I do not believe it is quite fair to ask me to vote officially for the approval of all these acts.

I felt, Mr. President, since the yeas and nays are to be called on this question, that I could not put myself on record here by simply voting one way or the other without an injustice even to myself, and I therefore felt constrained to say this much on the question in order that my action may be understood.

Mr. UNDERWOOD. Mr. President, I feel that I can not vote on the resolution without a statement in the RECORD as to how far this vote commits my future action. I assume, and if I am not correct I hope the chairman of the Committee on Foreign Relations will correct me—I assume that this resolution has not been introduced into the Senate without consultation with and the approval of the President of the United States.

Mr. STONE. I wish to say—

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Alabama yield to the Senator from Missouri?

Mr. UNDERWOOD. I do.

Mr. STONE. The resolution was introduced without consultation with the President of the United States, and since its introduction I have not seen or talked with the President, not since the day he delivered his address before the joint session of the two Houses.

Mr. UNDERWOOD. I should like to ask the Senator a leading question then, because his answer may very materially determine my attitude in this matter. Did this resolution come merely with the desire of the Senator himself for an expression of opinion, or does the Senator understand that it is introduced with a desire to support the attitude of the President of the United States?

Mr. STONE. The two questions propounded by the Senator from Alabama strike me as being the same in effect. He wishes to know whether I introduced it with a view of expressing my individual opinion or to secure an expression of the opinion of the Senate.

Mr. UNDERWOOD. No; it may be that I have not made myself clear, and I wish to do so. I desire to know from the Senator whether he has talked with the President or talked with somebody else in authority, and as to whether it is his understanding that the Executive desires this resolution to be passed or not?

Mr. STONE. I have answered that substantially. I said I had had no consultation whatever with the President. I have had no consultation on this subject with any executive official. Does that answer the Senator?

Mr. UNDERWOOD. Does not. I wished to find out from the Senator, if I could, as to whether the President of the United States in his opinion feels that the passage of this resolution will uphold his hands in this emergency or not.

Mr. STONE. I do not know what the President thinks or feels. I have had no expression whatever from the President on the subject. I thought, and so stated in my remarks, that it would be an advisable thing for the Senate officially to say that it approves the action of the President, and gave my reasons therefor. That is as frank and as full as I can make it.

Mr. UNDERWOOD. If the President of the United States desired in this emergency action by the Senate of the United States to sustain the course that he has pursued in this matter, for one I would give it unhesitatingly and ungrudgingly and without criticism of any kind. But if it is not the desire of the President of the United States, and if he does not feel that it is necessary to sustain his course, the bringing of this resolution before the Senate, I think is very ill-advised and very ill-timed on the part of the Senator from Missouri. However, I intend to vote for the resolution since it is before the Senate. The Senator from Missouri in his high position should of course uphold the hands of the President of the United States in a grave emergency, but he should know that he is upholding the hands of the President of the United States in his action and be able to tell his colleagues on the floor of the Senate that he is doing so when he asks their support and their action.

Mr. STONE. Since the Senator is personally criticizing—

Mr. UNDERWOOD. I mean it as no personal criticism. I am criticizing the action of the Senator.

Mr. STONE. It is not offensive at all, but the Senator says, if he will permit me, that I ought to have acted only in support of the President. The resolution approves the act of the President. If that is not supporting his act, I do not know what it means.

Mr. UNDERWOOD. The Senator is dividing the situation in substance. If it is necessary to uphold the hands of the President of the United States in this hour by the affirmative action of the Senate, we can be assured of that fact. I do not believe there is a Senator on this floor who would not readily and cheerfully respond. But if it is not necessary at this time, the resolution is proposing a decision about which we ought not to be prepared to express our judgment in this hour and this day. It is too serious a matter. It involves too greatly the life of the Nation, the happiness of the people of the United States, to be forced to an immature and ill-considered judgment.

Mr. President, up to this time I have not allowed myself to become a partisan of either of the contending forces on the battle fields of Europe. I have stood for the peace of my Nation, an honorable peace. So far as the President of the United States is concerned, I approve his course in guiding the ship of state through the many dangers that have beset it in the last three years and maintaining peace for the Nation. No greater glory crowns his administration than the fact that he has been able to keep his people out of war.

I have no criticism of the President of the United States in his action in recalling our ambassador home from Germany. There were two courses open for him to pursue after the receipt of the German note advising this country that that Government intended to pursue a relentless submarine warfare. One was to await a direct violation of our neutrality by an affirmative act. The other was to recall our ambassador as notice to the Imperial Government of Germany that we would not recognize and did not recognize what it proposed to do.

I can not question and I do not believe there is a citizen of this Republic who can question in this hour the earnest efforts of the President of the United States to maintain peace. His position on that question is above criticism from the standpoint of the man who wishes that peace may be kept. So I do not think it lies within the mouth of any man to say that the President of the United States has taken this action with an intention that it may lead to war.

I feel, and I believe every citizen of the Republic feels, that the action was taken by the President with the hope that he may ultimately maintain the peace. It was a dangerous position to take, but possibly the correct position. It was not for us to determine. In matters of this kind we have but one chief. He must decide for the Nation. I am glad to feel that that decision will not fall on the side of war if it can be avoided. But when it comes to war, that is not within the province of the President of the United States. The responsibility will not rest with him. It will rest under the Dome of this Capitol.

Whatever opinion he has in reference to the situation undoubtedly will have great weight and receive great consideration when the time comes. But so far as I am concerned, representing in part the people of one of the Commonwealths of this country, bearing responsibility myself and with no desire to avoid or shirk it, I do not wish when I cast my vote for this resolution that has been forced upon us to-day to do so with any limitations on my action as a Senator and my right to express freely with my own judgment what should be done in the interest of my own people and the people of this country in the event that war or threatened war comes knocking at our door.

I say this that the Record may show it. I say this that my own people may know that in this day and hour I am not foreclosing their rights or my judgment in reference to their rights to maintain peace if possible, but on the other hand, although I think this resolution is ill-advised at this time, the President of the United States is a man of sound judgment, a man of great force of character, a man with undoubted courage, therefore I will uphold his hands. He has taken his responsibility before the nations of the world, and I have no doubt he is willing to stand as the Chief Executive of this Nation to speak for the people of the United States without a sustaining voice for what he thinks is right. I can not conceive that the Chief Executive of this land for one moment would ask or expect to foreclose the future judgment of the Congress of the United States.

Therefore, I say in my judgment this resolution at this time is ill-advised. It is before the Senate. It must be disposed of. It must be voted for or against. It is not the effect on our own people that is material. The adverse of the resolution by the Senate of the United States might be misinterpreted in foreign lands. It might be given the misinterpretation that the Congress of the United States and the people of the United States were not ready and willing to sustain to the last dollar and the last man the Chief Executive of the Nation in time of peril. It is because I fear a misinterpretation might be made of the adverse of the resolution in foreign countries that I shall cast my vote for the resolution when the roll is called.

Mr. KIRBY. Mr. President, in this fateful hour I wish to say a few words. I think if this were but a question of whether or not the President has the power to sever diplomatic relations with Germany all of us would concede it. Since there is no question of power, I think it is singularly unfortunate that this resolution has been placed before the Senate at this time.

As to my sympathies, it is unnecessary to state whether they are with England, who has been the proud mistress of the seas, and her allies or with imperial Germany. I think it was along in the commencement of this war that my own mind was made up as to what nation was in the wrong. My own sympathies, of course, are with one or the other side, and I should not hesitate to declare them here if I regarded it necessary; but it seems to me that the purpose of this resolution or its effect, if not its purpose, will be to declare in a preliminary way that the United States shall go to war. Feeling as I do about it in that way, I shall not hesitate to vote against the resolution.

It has been said that the President of the United States has not asked and has not desired that this question shall be brought into this assembly here. I do not know what the facts may be. He does not doubt his own power to accomplish the result that

he has already declared. We concede it. The American Nation has not complained, neither has the Senate; but I want to say here to-day that I raise my voice in protest, not for the allies and not for imperial Germany, but for the United States of America. I do not believe the time has come when we should make a preliminary declaration of war which the adoption of this resolution commits us to. For that reason I am going to vote against the resolution.

The resolution says that the President has declared what his course shall be—to ask Congress for authority to use the power of the Nation to prevent—if Germany shall pursue the policy which it has declared it must. Germany says "England has blockaded our ports; our people are starving; our back is to the wall; and the time has come when we will unleash the tigers of the undersea and send menace and horror and blight and death through all the prohibited zone, blockading her ports yonder because we have the power to do it and must fight with the means at our command. Necessity requires it shall be done." That is the position of Germany. The President has said, "If Germany shall do that, I am going to come to you again, gentlemen of the Congress, and I am going to ask the power to use all the authority and all the power of the United States of America to prevent that condition."

Mr. President, I regard it as a preliminary declaration of war if the resolution shall be voted upon favorably to-day. Therefore, I shall not vote for it. I do not believe the time has come in the history of this country when we shall side with Germany or when we shall side with the allies. I do not believe if Germany ought to be thrashed in this great war—and I am not saying that she should not be—that it is the province or business of the United States to do the thrashing. The time has not come, in my opinion, when it should be done, and we should commit ourselves by the adoption of this resolution to any policy that the President may hereafter pursue. Under the Constitution and the law he has no power to declare war, but he has in fact the power to plunge the Nation into war and to make it necessary for Congress to declare it; and he has almost done so.

Now, gentlemen, I feel this way about it. I think this is the most momentous occasion that will probably ever come to me in my service in the Senate, and I shall raise my voice for America and for peace, and I shall not vote for this resolution, which is to commit us to granting the power to enforce by war our own views of what international law is by the power of the United States. I will not do it.

If war shall come, if we shall declare war—and I shall vote against that also—but I say after war has come, let the majority in this country rule. I say let the last man in this country of ours be sent and the last dollar be given freely to uphold the declaration of war by this country whether it be right or wrong.

Mr. MARTINE of New Jersey. Mr. President, war, war! God knows I hate the very word! To my mind's eye comes a picture of horrors too shocking to contemplate. I harbor no hate for Germany nor to any other nation, but America has rights, and I feel it is our duty to maintain them.

Mr. President, my father came from sunny France, and my dear, good mother, from whose bosom I drank the milk of justice and liberty, came from Germany, from the Rhine. So why should I harbor hate toward either of these contestants?

No; God knows I have no hate for either, though I was born in America. I am an American in every fiber of my body and soul. I may disagree with policies, but first and last I am with my country. I am willing to trust the President in this crisis. We must be united in a crucial time like this. May God keep our blessed land out of war is my prayer and my plea.

Mr. PITTMAN. Mr. President, I believe that the sentiment of the people of this country is known to every Senator here, and I do not think there is any reason why we should disguise that knowledge either from ourselves or from the country. If there is another *Lusitania* incident this country will go to war. If this country is forced into war, in my humble opinion it will be largely by reason of the misdirected efforts of some of those who assume to themselves all of the burdens of peace.

There was only one course for the President to pursue under all of the prior declarations and under the sentiment of the people of this country, and that was to say that the character of the warfare that brought on the *Lusitania* incident will not be tolerated again by this country. Other announcements have heretofore been made to the warring powers with regard to the intentions of this country, but those declarations to those belligerent powers have been minimized, if not destroyed, by pacifist speeches which we have heard on the floor of this body similar to those we have heard to-day. There have been other occasions when the press of Germany unequivocally stated that the people of the United States did not back up the President

of the United States. To-day there is a resolution pending before this body, and whether it be here properly or not has nothing to do with the question. The action of this body will be construed by Germany either rightfully or wrongfully. I hope that the action of the United States will be rightfully construed by Germany, because I pray God that Germany, with whom alone to-day is the power of peace or war, will decide that there shall be peace. It is with Germany alone to determine whether or not our citizens shall be illegally and wilfully murdered upon the high seas. If that is done again, again I say that nothing, not even all of the eloquence of these gentlemen here, not all of the propaganda that may be started throughout this country, will prevent the American people from demanding reparation for such crimes.

We all want peace. I think it is presumptuous for some Members of this body to assume that they alone want peace, while those that pursue a different practice to obtain peace want nothing but murder and war. The peace sentiment of this country is known. I want to say here that, in my humble opinion, peace can never be obtained through a lack of self-respect or through acts that destroy the respect of the world for the people of this country.

National honor, to my mind, means nothing but self-respect and the respect of other nations. The criticism has been made, and not without justification, that the citizens of the United States in foreign countries are less respected than the people of any other great nation. I do not know whether or not that is so, but it has been the cause of comment from time to time. We are a Nation, and as a Nation our duty to our citizens is not within our borders alone, but it is our duty to protect our citizens in every country throughout the world. It is the duty of this Nation to protect the citizen's life, his liberty, and his property according to the laws of the country, wherever he may be.

How can you protect them? You can only protect them through the respect that the nation where that citizen resides has for this Nation. Thus it has been that Great Britain and Germany and France and Russia and Italy and other countries have protected the rights of their citizens in other countries; and thus alone can America protect the rights of its citizens in foreign countries.

It is not this one right upon the high seas that we are demanding; it is not the right to ship our commerce upon the high seas; it is not the right of our seamen to work where they please upon the high seas; but it is the right of an American citizen to be protected in his rights wherever he may be. I believe that that which more endangers our country from war than anything else is the constant declaration to the world that no matter what they may do to our citizens; no matter how illegal their acts may be; no matter how barbarous they may be, we will not resent them if in that resentment it becomes necessary to engage in war. Those declarations, whether made here or in the press or anywhere else, in my humble opinion, are going to bring war to this country, if war comes at all.

I believe that if we had backed up unequivocally, and without the show of fear of war that we have shown here, the position taken by the President of the United States, the practices which are threatened would never be put into effect. They have not yet actually been put into effect, although the order has been in force for several days. I do not believe they ever would be put into force and effect if those who are contemplating doing so were told unequivocally that their loss by reason of such an act would be far greater than any possible gain that they could obtain by it.

Mr. THOMAS. Mr. President, during the interval between the outbreak of the war in Europe and the present time I have endeavored to keep aloof from those excitements and apprehensions which were the natural outgrowth of that awful struggle. I have during that time been in disagreement with those who have felt that because of this war, a vast and extensive preparedness was essential to our immediate or future safety. I have protested upon this floor on more than one occasion against that hysteria which was first created, and then capitalized for the transformation of this country into what seemed to me to be a permanent system of militarism. I have not permitted myself to entertain the view that any great nation could swiftly invade us or that an army approaching that of Germany or a navy approaching that of Great Britain was necessary for our protection. I have endeavored, as a member of the Committee on Military Affairs and a Member of this body, to proceed along the line of preparedness as though no great conflict existed. I was unable, therefore, to give my assent to either of the great war bills of the last session, because I felt that they carried this country to an extremity and committed it to a policy which no occasion warranted and in-

creased the burden of our permanent expenditures to an undue proportion. No man therefore can accuse me, Mr. President, of being imbued with a warlike spirit or with harboring a desire to do ought that would magnify the solemnity of the existing condition when I announce my adhesion to the purpose of this resolution and my approval of its introduction.

Mr. President, since the first note sent by the President to Germany after the sinking of the *Lusitania*, and based upon that frightful tragedy, I read and reflected upon its recitals and requirements, I have felt that our future relations with Germany would be largely, if not entirely, controlled and dictated by its own policies and purposes. I thought, upon mature deliberation, that what the administration then did and then said was abundantly justified by the occasion which provoked its utterance. I was persuaded that it could have done no less, and that had it even faltered in that declaration which it sent across the seas, it would not have fully represented our traditions, our principles, or our existing opinion, and would not have measured up to the crisis which then confronted it.

The President was then and afterwards accused by his critics of vacillation, of weakness, of a willingness to sacrifice our highest traditions and to imperil our national integrity as the price of preserving peace. Some of his friends quietly criticized his judgment, while expressing and entertaining the highest opinion of his patriotism and earnestness of purpose. But I have been unable to discern between the first *Lusitania* note and the progress of American diplomacy and the severance of our diplomatic relations with Germany any deviation of the President from the course then announced, from the notification then given, from the policy then determined upon.

He appeared before the Congress last May because of other events in conflict with that policy, for which Germany was responsible, and informed us of the ultimatum which he had delivered to that country in strict compliance with his first notification. I approved of his course then, and would willingly have so said in public response to a resolution like that which we are now considering.

The notification of Germany on the 30th day of January terminating its former assurance to the President and announcing its intention to take advantage of the reservation attached to it instantly aroused in every thinking man and woman in the United States the conviction that the President would take, that the President must take, that the President would be recreant to himself, to his party, and to his country if he did not take, the identical course with Germany which he announced last week to the Congress. But I think, Mr. President, whether we commend or condemn that course, whether we approve or disapprove the action there taken, when we also reflect that upon him is imposed the supreme responsibility of action, that upon his judgment, his wisdom, his ideals, his devotion to duty rested the final determination, our judgment as American citizens was foreclosed when the final step was taken. We may not have approved it; we may not have justified it; aye, we may have deplored it; but the constitutional authority of the United States acted at a critical moment on a great occasion upon a matter of tremendous consequence to him, to us, and to our posterity, upon which he was required by the responsibilities of his great position to act, and upon which none other could act, we, as the people of the United States, we, as the citizens of the greatest neutral nation, have but one course to take, but one duty to perform, if we are Americans. We shall stand by the administration as our fathers before us have ever stood when facing another nation with which a rupture seems imminent.

It may lead us into the desolation of war and conflict, which God forbid; it may broaden the horizon of the mighty conflict now waging upon other continents, and our shores and our land may be red with the blood of our sons shed in the defense of their country; but, Mr. President, we have reached the point where reflection and argument is at an end, where the die has been cast, where duty now speaks, and where every impulse of patriotism and integrity calls upon us to stand by the President, forgetting party lines and past differences, our eyes fixed upon the future, the hope still in our bosoms that peace may yet prevail, but our resolution, our steadfast purpose, admitting of neither doubt nor hesitation. To falter now is impossible. To hesitate may be to be lost. But to be disunited in so supreme a crisis is to encourage, if not to court, the disaster we would shun.

Such, Mr. President, I believe to be the sentiment of the Commonwealth which I in part represent upon this floor; such has been the voice of the legislature of my State; such the assurance of its governor, with no partisanship in the expression of either branch of the government and no hesitation. There the ranks which were divided are closed; there men and women stand shoulder to shoulder; they know but one duty; they see

but one goal; their gaze is upon the President; their destiny, the destiny of a common country.

And so, Mr. President, I have felt it my duty on this occasion to take a few moments of time to announce my adhesion—my full, undivided adhesion—to the position taken by the President, and to voice what I know to be the sentiment of the people of the State of Colorado upon this solemn occasion.

Mr. SHERMAN. Mr. President, to hesitate now is to invite aggression. While Congress is vested under the organic act with power to declare war, the maintenance or severance of diplomatic relations rests with the Chief Magistrate of the Republic. He has exercised that power; he has presented through a proper message to Congress his reasons for the exercise of that power at the time and in the circumstances named. The severance of the usual diplomatic relations verges dangerously near hostilities. That is universally understood.

This resolution proposes to do no more than to approve the reasons and generally accepted principles contained in the President's last message. The passage of this resolution does not commit us to war, unless the acts mentioned in the President's message shall have been perpetrated. The performance of the inhibited acts rests with another sovereignty. Those conditions we ultimately must meet, unless the declared purpose of the German Government shall be abandoned. On the passage or defeat of this resolution depends the view entertained by the German Imperial Government of the unity of the American people or the lack of it.

We speak of the public sentiment, Mr. President, and of the American people. It is time that the American people awoke to world conditions. If the powers assumed to be exercised under the guise of a blockade shall be carried into effect, there is an end to all neutral trade, ours alike with others. If the enlarged war zone mentioned in Germany's last note shall be made effective and shall be a precedent, then the neutral nations of the world had as well furl the sails of their merchant fleets, close their warehouses, and let their commerce rot on their piers, or by their united act establish the universal rights of market for every neutral nation in the world. If the war zone mentioned can be declared in the Atlantic Ocean and adjacent embraced waters, it can as well be extended halfway across the Atlantic, or within the 3-mile limit of the shores of this Republic. If it can be declared and established in one ocean, it can be declared and established on the blue waters of the seven seas of the earth.

I am reluctant, Mr. President, to take the step; but to hesitate now ultimately would be the signal to the world of national cowardice. In the final analysis of the passage or defeat of this resolution will be gauged the public sentiment of the American people. For one, I am willing to register my vote for this resolution, and to approve the message of the President to which it refers.

If the law of blockade as proposed, and the proposed application of the submarines to enforce it, shall be the law of nations, then Germany's war zone may circle the globe. There is no limitation save the marginal waters that bound the different shores of the nations of the earth. How long will even they be secure against international lawlessness and the limitless law of force?

Mr. President, I believe I have been consistent on this question. I know I have from my lights, from the viewpoint I have taken. I voted, so far as it could be voted upon in this body, to warn American citizens to refrain from traveling upon the armed merchant ships of belligerent nations. Practically for the purpose of destroying submarines, every belligerent merchant ship that has left our ports since war was declared has been a naval auxiliary—not for general naval purposes, but their armament was of the character that would sink a submarine with its frail armored sides exposed to a shot carried by the average gun on a merchant ship. I so voted in order that we might seasonably avoid the difficulties which we now find ourselves approaching. I so voted because I considered the merchant ship of a belligerent nation so armed, with the uses to which submarines are now put, to be a fighting ship.

The open sea is a place where every fighting ship of a belligerent nation may lawfully engage an enemy in battle. If I were voluntarily to thrust myself between the contending lines of enemy nations in military operations on land, I would consider that I took my chances of destruction. I believed I would have no right to call upon my Government to protect me in such circumstances. I considered that if I traveled upon the merchant ship of a belligerent nation armed for defensive purposes sufficiently to destroy a submarine I voluntarily put myself on the high seas at a point of danger wherever a naval battle occurred, and that the Government therefore owed me no duty of protection. Having held that view, Mr. President, I voted to warn

American citizens from taking passage on the merchant ships of belligerent nations.

That, however, presented an entirely different question. In a previous communication before the issues presented by the last communication from the German Government it is true, as the Senator from California [Mr. Works] said to-day, that she impliedly reserved the right, if the allies continued to violate the law of nations as to merchant shipping, to pursue unlimited warfare by submarines.

Mr. President, the allies have not destroyed life in the prosecution of their blockade. England, I think unlawfully, has interfered with our neutral commerce. She has unlawfully taken cargoes of merchandise bound from our neutral ports to a neutral destination, impounded them in her prize courts, condemned them by decrees under her admiralty laws, confiscated and sold them, or appropriated them to her purposes. That, however, concerns merchandise. It is capable of reparation in damages, either now or in the future arbitration of the world. That concerns something which may be compensated for. I discriminate between the confiscation of insensate merchandise, whose lifeblood is gold, and the murder of women and children, whose defenseless lives can never be redeemed by the German Government and no adequate reparation ever be made.

It is threatened, Mr. President, in the event that the allies continue their breaches of international law in mere matters of merchandise and the cargoes of our ships to renew an indiscriminate and ruthless warfare within the prescribed zone which takes in, admittedly, the high seas of the world. Not since the days of the corsairs, the days when the pirates, unexposed, sailed the seas and undertook to confiscate at pleasure the merchandise and the lives of every nation, has there been a more unjustifiable proclamation to the nations of the world than the late one extending the war zone into the Atlantic Ocean and other bodies of navigable tidewater named in the German Government's last decree.

That is the question we are meeting. At last, Mr. President, our Chief Magistrate rose to the high level of the great emergencies of the hour and correctly stated in his message to Congress, after using exemplary patience, the supreme issues that face our people.

Mr. President, I do not desire to consume time needlessly. What I shall have to say will be condensed within the smallest possible compass. It is not the time for words. I decry war as much as those Senators who may oppose this resolution, but there are sacrifices of peace, there are prices paid to avoid war that are greater than the priceless atonements of war. There are more precious possessions in this world than mere life. At least, if American life shall be offered on the altar of a world's peace the strong will die that our weak and defenseless may live in the years to come. The preservation of life at the price of dishonor would stamp us as an unworthy posterity of the ancestors who gave us the splendid gifts of American citizenship and our heritage of liberty. Our ancestors fought in every battle of this Republic, from Monmouth to Appomattox, from Chapultepec to Santiago, and if we to-day upon the active stage of human affairs can not hold ourselves ready and willing to make the sacrifice our fathers made, then let us abdicate the high privilege of American citizenship and proclaim to the world the implied cowardice employed in the defeat of such a resolution as this.

I am no apologist for what I consider the domestic mistakes of this administration. From many of them—most of them—I totally dissent. But this resolution approaches the territory where partisan differences cease, where mere party dies, where the clamor of the politician must end, where discord is stilled, and where the rights of the American Nation must begin.

Mr. President, our conduct, our willingness now to approve the only honorable course that the Chief Magistrate could take, means, more than likely, the avoidance of the very difficulties we deprecate. An adverse vote on this resolution will give encouragement to those who have proclaimed their intention to destroy the rights of neutral commerce, including our own, in a zone that is totally unjustified by the laws of war.

On the 19th of April, 1861, President Lincoln issued a proclamation blockading the ports and waters of the Confederate States of America. It did not seek to go beyond the marginal waters of this Republic. It did not invade tidewater beyond our territorial waters and proclaim a zone in the ocean from which the commerce of neutrals was barred. Its very terms restricted it to a blockade of the ports of the rebellious States. It did not seek to exclude neutrals from the arms of the ocean and the great sounds that are the inlets of the maritime traffic of the world; neither did it seek to invade the channels and the highways of the ocean and interfere with the neutral commerce that legitimately traveled there. The blockade was more

or less effective, but it was confined to the ports of the rebellious States.

This blockade, under the decree of the German Government, roughly speaking, as I estimate, extends approximately between 300 and 400 miles from the Irish coast. It comprises practically all of the North Sea; it comprises the English Channel, all the tidewaters adjacent to the northern coast of Spain, and denies ingress or egress to those going and coming from the Mediterranean Sea. By the same process, by the same logic of principle, the Imperial Government of Germany could blockade the water almost or quite from a point within gunshot of our coast, from Hell Gate to the Pillars of Hercules and from the Arctic Circle on our north to Cape Horn, marking the uttermost bounds of land in the Western Hemisphere, and still be within the admitted principles laid down in her last communication upon that subject.

What does it mean? It means that neutral trade is no more. It is more effective than an embargo laid by Congress, because when once in effect it destroys our commerce not only by confiscation of the cargo but by the sinking of the vessel. What does this note mean further? It means, Mr. President, a ruthless warfare, with no visit and search, with no saving of the life of passengers and crew, but returns to the ancient piratical method of destroying, without a chance of surrender, all on board.

What are the laws of war, both on land and at sea? They have been violated many times in this great war. Francis Lieber, an adopted citizen of our country, a German by birth, wrote the most humane code of civilized warfare known to the powers of the world. He fought at Waterloo, and carried with him to his American grave the marks of bullets received on that fatal day when the sun of Napoleon set on his dream of empire. Lieber wrote a code of war that is instinct with the humanities of a great cause. In it prisoners of war are recognized and their rights and lives are to be preserved. He wrote, it is true, for land; but from the time of Hugo Grotius the same humane rule has prevailed on sea as on land. An enemy can take his choice. He can fight under his flag and die, or he can strike his colors, surrender, and live. It is the universal right of the vanquished enemy to surrender and save his life, and the equally universal duty of the conqueror to spare his life upon that surrender, and to give him the opportunity to surrender.

The use of the submarine, especially that threatened in the last note, gives none of those humane rights. It is a declaration that no vessel, belligerent or neutral, will be spared; that no life, combatant or noncombatant, will be spared; that men, women, and children will be joined in an indiscriminate slaughter. To the horrors of war, sufficiently brutal at its very best, will be added the destruction that comes from the mingling in a common grave and in a common river of blood of those who, by the laws even of savage empires in the days of old, have been spared, when the women and children were collected and protected in camps. Even Attila the Hun, the scourge of God, when he came from the confines of central Asia and upon the night of the fatal day when he met his defeat at the hands of Christendom, piled high his spoil and arranged his war chariots for final defense in the morning, made provision for the care and safety of the men and women who were noncombatants and the helpless that might be involved with him in a common defeat.

The same territory over which surges to-day the tide of war, the scene of the battle of Chalons-sur-Marne and all along the eastern and northern front of France, is a historic field where the armed legions of the great martial leaders of the centuries have met in mortal combat. They fought, even those denominated by the sacred historians as pagans, with some regard for the rights of the helpless, the sick, the weak, the women, and the children. To-day we face the common tribunal of mankind. We meet the solemn occasion, and must assume the duty, once for all, of declaring in this Chamber whether we approve or condemn the ruthless warfare of the submarine. What shall our verdict be? Not by our generation, but by the centuries yet to come, shall we be judged.

I shall go on record against it, Mr. President. This is the first opportune occasion I have had. I have had my own views. I have my sympathies. Who has not? I have sedulously restrained them, and have voted at times contrary to my own private opinions on the merits of certain issues in order that we might hold ourselves aloof from this mighty struggle across the sea. I can hold myself aloof no longer. It is not a matter of ancestry. I do not know, as many of us in our country, especially those of the far West, do not know, from whom we came, of what ancestry in the Old World. It is enough for me to know that to-day I am an American citizen. What blood of Europe once pulsed in our veins is not now significant. To-day

it is American. It is enough for me to know that upon the solemn issue presented to the Senate by this resolution, as the initial point at the threshold of our official action I shall vote to condemn in unqualified terms the use of the submarine as an instrumentality, used in the way it has been and is threatened to be used, totally inconsistent with the laws and practices of civilized nations.

Mr. President, it is said that we will need, some time, the submarine. It may be; but it will be in defense of our shores, of our ports, of our cities. At no time will we wage aggressive war. At no time in the future, I believe, by our traditions and our declared purposes of the present hour, will we seek an enemy across the sea and add to that the lust of territorial conquest to spread the borders of this Republic beyond the seas. If I had had my way about it, I never would have voted nor would I have shotted a single gun to take the Philippine Islands. It is a mere matter of duty now to hold them and administer them for the people, so that they may not be turned loose upon the world, a blazing derelict of nations and the scene of a mighty disorder. But for us there is no aggressive warfare, no spoils, no victims nor prisoners whose ransom shall the general coffers fill, nor kings to lead at the chariot wheels of the conqueror for us in the lifetime of our Republic. For us alone is reserved the development of the country given us by the beneficence of our ancestors and by the merciful dispensations of Providence to develop it, to hold it secure; so our future wars will be defensive wars. I have no fear of any limitations placed upon the submarine that may hamper us in the future defensive war or wars, whenever they may come.

I wrote not long ago, Mr. President, letters to several of my constituents on this question. I knew that ultimately it must be met. I believe it wise when trouble of this character is coming over the horizon not to wait until it invades your own household, but adequately and seasonably to prepare.

A prominent editor of a Chicago German newspaper, in its last leading editorial on the question, declared that if a break came with Germany the first problem this Government would face would be a race war, intimating that it would begin in Chicago. I am not intimidated nor dismayed by such a prospect. If it is no worse than the average riot in Chicago that I have seen, it will be a God-blessed relief. I do not think so. I am willing myself to take the chances in the western territory. Our polyglot races, I believe, are loyal. They know this Republic is for us all.

This morning by design, Mr. President, I sent to the desk and had read a letter which is one of many of a like kind that I have received. It was from Ellen Schmidt and her husband, Heinrich Schmidt. They are Germans. They did not come from Prussia. They came from other German States. When they sat in front of the old fireplace and watched the back log melt away in the long winter evenings, I heard them tell of the siege of Sebastopol. I have heard them tell of the struggles in the Crimean War, the men who in their later days were peaceful farmers in southern Illinois. I have heard them anathematize the father of the present Kaiser. The German people, it is true, when they face a foreign foe, are united; but in the day of reckoning, the day of settlement, Prussia will not forever dominate the public opinion of the German States. The Bavarian is essentially peaceful. The native of Saxony is essentially peaceful. I can call the roll of the States, and many of them are as kindly and humane and as peaceable as any American who sits in the quiet of his fireside to-night. So when Ellen Schmidt, the good soul, signing the name for her husband, wrote that they hoped the United States would preserve the principles and the traditional policies of this Republic laid down in the President's message, I know that there are some Germans in my country that do not approve of indiscriminate, ruthless warfare. I know, too, that their fathers came from Germany to escape the military service of that country. No militarism threatens this country except that of the Prussian. There is no militarism in this country. There is none in England. There is none in France; and there soon will be none, and but little of the Czar, in Russia. There is an awakening of democracy. Some have professed to say that nobody knows why this war is being waged, and why it has suddenly cast its ominous cloud over Europe and threatened the world.

The reason is patent to the observer. It is a war of democracy against absolutism; it is a war for the supremacy of civil power over that of the military—principles for which Jefferson wrote and Washington fought. Berlin is the only one of the great civilized powers of the world where in a time of peace a military officer can drive a citizen from the walks of the capital into the gutter, and when refused the privilege can run

him through with the sword, with no penalty save that of the camp, with no trial by the civil courts in time of peace. No; it is the only country in the world where martial law is supreme even in time of peace, and the military power is supreme even over the civil authorities. When a Prussian officer killed a German subject by running him through with his sword, an humble shoemaker, he was not tried in the civil courts of that Empire, he was court-martialed and given an insignificant sentence in time of peace. If a military officer of this Republic were to slap the most humble citizen of Washington with the flat of his sword and the citizen slew him on the spot in necessary self-defense, he would be recognized as acting strictly within his rights. If assaulted by the most exalted of our military officers, even by a rear admiral while doing land duty, and if he were killed, the military or the naval officer would be indicted by the proper court, prosecuted according to the ancient form, given a trial by jury, convicted, hanged, or sent to the binder-twine factory in the State of the Senator from North Dakota [Mr. McCUMBER] if it happened to be in that district, or to the rock quarries of Indiana, or to making good roads, where he would learn the lesson of all the ages that in this Republic in time of peace civil authority is supreme and the military authority must obey the law of the land.

They have not learned this everlasting lesson of the centuries under the Kaiser's government. It is a contest of democracy against the absolutism of the king and the rule of an unrestrained, unpunished military.

I have not time to read, Mr. President, but on some future occasion I will read from the works of Bernhardt. I can summarize it. There never was a more materialistic, thoroughly heartless, conscienceless, bloody, unjustifiable proclamation of might and the sword over right and human justice printed in the lids of a book since Cadmus invented letters or Gutenberg invented type. In that he proclaimed it to be the duty of the Imperial Government to carry German "kultur" around the world. If the "kultur" of the submarine and the slaughter of men, women, and children who are helpless be the form of culture and the fruit of Prussian militarism, for one this afternoon I wish to vote nay and voice my eternal protest against it. Germany under the incubus of Prussia, the blood and iron traditions of Bismarck, is not the Germany of Goethe, of Schiller, of Heine. It has made the soldier its emblem and force its law of life.

This country is full of every nationality in the world—allies, central powers, and all. For their votes, gained by a sacrifice of a world principle, I care nothing; for the discharge of the duty of this hour I care everything.

So, Mr. President, it is a question that we now meet at the threshold indicated by this resolution whether we rise to the level of the occasion, follow the Commander in Chief of the Army and Navy in time of war and the Chief Magistrate in time of peace, who is entitled to communicate with us in message, and to sustain or sever diplomatic relations—whether we follow him with heroic fidelity to the logic of the conclusions of the principle he has laid down or whether we abandon him to his fate. When we have done the latter we shall reap in due season the harvest of our folly.

This letter that I sent out to a great number who protested and some approved—about three to one approved, I think, so far as my correspondence and telegrams show—is dated February 6, 1917. In it I have stated my creed, my belief under present conditions, and on that I intend to shape my future course.

"It is intolerable to neutral nations that the sea be blockaded, as proposed by the German Government in its note of January 31, 1917. A blockade of the ports and marginal waters of the nations with which the central powers are at war is justified by the laws of war; but this does not carry with it the right to create such a zone as described, sow it with mines, and sink, by means of submarines or otherwise, as threatened, any neutral vessels found within the designated zone. Germany has as much right to declare the Atlantic Ocean a danger zone and warn neutrals to keep out of it. It resolves itself into might, not right.

"President Wilson's note of April 18, 1916, on the sinking of the *Sussex* without warning or saving the lives of the crew or passengers, among the latter of which were several citizens of the United States, said:

"Unless the Imperial Government should now immediately declare and effect an abandonment of its present methods of submarine warfare against passenger and freight carrying vessels, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire altogether.

"To this the German Government replied:

"In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such

vessels, both within and without the area declared as naval war zone, shall not be sunk without warning and without saving human lives unless these ships attempt to escape or offer resistance.

"By the note of January 31, 1917, already mentioned, the German Government declared it would act after February 1, 1917, 'by forcibly preventing in a zone around Great Britain, France, Italy, and the eastern Mediterranean all navigation, that of neutrals included. All ships met within the zone will be sunk.'

"This means the revival of submarine naval warfare as in the *Lusitania* and *Sussex* cases without warning or the saving of life before destroying merchant ships. The loss of American citizens so caused is a violation of the rules of naval warfare. When to this is added that the neutral ships of the United States or its citizens shall be sunk without warning or saving the lives of passengers or crew the proposed course of the German Government is utterly indefensible. Both the laws of nations and the laws of humanity condemn it. This is a breach of a solemn pledge given us by the German Government.

"The question of warning our citizens to keep off belligerent merchant ships so armed as to be capable of sinking by a submarine presented a different issue. It is now, Shall our own neutral merchant ships be so destroyed? No loyal citizen of the United States can submit to such treatment of our people on the seas. Such naval warfare so threatened can scarcely be distinguished from piracy.

"I believe Great Britain has unlawfully interfered with our commerce. This relates entirely to merchandise taken in violation of property rights, and admits of reparation by paying damages. The lawless taking of the lives of American citizens by submarine warfare admits of no reparation. There is a marked difference between a cargo of merchandise and human lives, between condemning property in a prize court and drowning women and children at sea. Murder can not be justified by showing that another has previously unlawfully deprived the dead, when living, of their property. Such a course acquiesced in compels us in its necessary effect to cease to trade with neutral countries. The German Government has entered on that course which our Government and its people can not endure. If persevered in but one course is open. It is with infinite regret I observe the desperate expedient of Germany. Unless abandoned it means for our country war. I approve the President's message of February 3, 1917."

I have read this verbatim, and I ask that it be inserted not in the usual small type in cases of this kind but in the same type as the ordinary Record is published.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHERMAN. With these remarks I close, although there is very much more that I should like to say. In the short time that is properly given for the discussion of the resolution I think it would be an abuse of privilege as a Senator to take further time. I can only express the hope that the resolution offered by the senior Senator from Missouri will receive so signal a majority in this Chamber that it will be notice to the world, and especially to all Europe concerned, that the American people are a unit, and that we are with our Chief Magistrate in his address.

Mr. STONE. I ask for the yeas and nays on the adoption of the resolution.

The yeas and nays were ordered.

Mr. HUSTING. Mr. President, before the yeas and nays are taken I feel it my duty under the circumstances to say a few words in support of the resolution. I am from a State that contains a large proportion of foreign-born inhabitants, and many of them are poignantly desirous of seeing an amicable termination of the present crisis. I share their anxiety with them, and I would do nothing willfully to bring about war with Germany or any other nation if it can honorably, yes, decently, be avoided. I would do nothing which in my judgment would hasten a war that would be of our own making. We say we want peace. Of course we want peace. No Senator or Representative has arisen in Congress who does not want peace, but the question has arisen in our own minds how can peace be preserved, and can it best be preserved by evading responsibilities, by relinquishing rights, by suffering injustice, or is it the safest and wisest course to pursue before it is too late to assert our rights so that those who are about to trespass upon those rights may know the consequences if they so continue to trespass?

The issue that is presented here this afternoon is not a new issue. It has been in the making for two and a half years. Congress went on record in favor of it nearly a year ago. The country is on record in favor of the issue presented here by the resolution. It went on record in the recent campaign. The press of the country has gone on record; the citizens of the United States have gone on record long ago. The situation is not as

though it were a new one that had been suddenly thrust upon us for the first time. We have been considering it, I say, for nearly two and a half years.

I want to say that since the sinking of the *Lusitania* this question has been upon us. Who has kept the country at peace during the past two and a half years? The President of the United States has done more to keep the country out of war than any other one man in the United States. If he had chosen to listen to counsel on one side or to counsel on the other, if he had not had his feet firmly planted upon the rocks of peace, the rock of right, and the rock of justice he would have been shoved from his position into war and he would have dragged this country with him months and months ago.

When Senators talk peace I want to say there is one man in the United States who will not have to yield to any Member of this body or any other man in the United States on the proposition of striving for peace, and that man is the President of the United States, for in all the months that these matters have been discussed the President of the United States, day in and day out, yes, and through the night, has been in every way possible endeavoring to secure peace consistent with the honor and the welfare and the interests of this country.

Two years ago when Congress adjourned in March who was left alone here in Washington to protect the honor, the interests, and the peace of the United States? The President of the United States. Senators went home, Representatives went home, attending to their own business, pursuing their pleasure in their own way, and left him alone here with the burden and with the responsibility of keeping us at peace, and he did so! Notwithstanding the sinking of the *Lusitania*, notwithstanding the sinking of the *Sussex*, notwithstanding all the ills that we have suffered at the hands of belligerents he has still maintained peace.

Then the question of the sinking of the *Lusitania* arose.

Everybody knows how the country was excited, how men were wrought up, how quite a respectable number of our citizens believed that we should not tolerate a barbarous warfare, such as it was denounced, to be continued against us or our citizens. Through the summer, through the fall, through the winter, and through the next spring in notes after notes, in negotiations after negotiations, we had this matter up with Germany and her allies. I might add that in connection with that we had other issues up with the entente allies. There is not any question in my mind that our rights have been invaded by the entente allies, and complicated with this question of the taking of American lives was the further question with the opposite side who were invading our rights upon the high seas. Let me say right here that I resent the wrongs we have suffered at the hands of Great Britain on the high seas, and let me say further that they deserve drastic treatment and a heroic remedy, if necessary, to cure her of her tendencies, short of severing relations. The wrongs we suffered at her hands could be compensated in dollars; and if the wrongs we have now to fear at the hands of Germany, if she carries out her threat, were of the same character, and not as they in truth are, not susceptible to money compensation, we could also bide our time to right our wrongs with her.

But it is perfectly obvious, is it not, that we had to seek redress for the killing of our citizens first and to prevent a recurrence of the same capital wrongs suffered at the hands of Germany. We had to settle that matter which appears to me the most grievous invasion of our rights, and that was the taking of the lives of our citizens upon the high seas. Very well; did the country believe in that stand? Does anybody here wish to rise and say that the American people did not stand back of the President in his attempt to safeguard the lives of American citizens?

I remember the resolutions that were offered here. I remember how it was proposed that we warn citizens to stay off the high seas and place an embargo on munitions of war. All those questions were settled, at least those that came up here, and how were they decided? Decided in favor of the President's stand. Decided in favor of the right of our citizens to exercise their proper rights and their God-given right to live. The country stood back of the President, the press stood back of him, the citizens stood back of him, and the Senate and the House of Representatives stood back of him.

Ah, Mr. President, not only did the people of the United States stand back of the President, but Germany and her allies admitted the justice and soundness of our demands. It would be well to remember it is not quite a year ago when the ultimatum was given to Germany. And when pressure had been brought upon the President and upon Congress to recede from the position he had taken, Germany admitted the correctness of his position, did she not? The world admitted the cor-

rectness of our position, and it was promised on behalf of Germany that she would not again engage in the ruthless submarine warfare against which we complained. She recognized our rights and complied with our demands.

Now, it is true that a condition was attached to Germany's pledges, namely, to the effect that she reserved the purpose to resume her ruthless operations in the event of certain contingencies happening or not happening, but it is also true that the President, in a note immediately afterwards sent, explicitly and emphatically refused to accept Germany's pledges except unconditionally, and thus, by her acquiescence she recognized that we accepted her pledges unconditionally and not otherwise.

Ah, but, Mr. President, she did not even attempt to reserve that purpose on the grounds that our demands were unjust or our position untenable. No; she only attempted to reserve her purpose in retaliation against England for her alleged unlawful warfare. She admitted that she had no right to sink the *Sussex* when she agreed to make reparation and apologized for her acts. She did not place the reason for her yielding to our demands then upon the ground of expediency, but she admitted the correctness and the soundness of the position of the President of the United States in the premises. We thought it was all settled. So it seemed to be entirely settled. The sunshine of peace once more spread its rays over the land, and we supposed this matter was forever settled. Nay, to make it doubly sure the President, in a supplemental note, came out and said that while there might be something said in the German reply that might be construed as attaching conditions to the recognition of our rights, under no circumstances could we discuss, much less consider, any such condition as that, and that these rights were not relative but absolute; single not joint.

So the world approved our position. The neutral nations approved our position, the belligerent nations approved our position, Germany herself approved our position. Who was there, then, to question it? Nobody.

So we went before the people in the campaign, and we gave an accounting to the people of the United States of the record of the President in the handling of our foreign affairs, and the people approved it and reelected him to conduct our affairs for another four years.

Now, since that time considerable water has gone under the bridge. The President, after the war cloud had apparently passed away, undertook to bring a message of peace to the world. The people were glad to see him take that course. Some, indeed, thought that he was favoring one set of the combatants against the other, but the world knows and we know that the President had only at heart the best interests of the United States, which we all have at heart, and the welfare of the whole world.

Now, after endeavoring to be the peacemaker, after having settled things that had vexed us, after having done things that the world had indorsed, we are suddenly confronted by another note from Germany, withdrawing what she had promised us before and saying that she proposed to resume again that warfare which by her own action and her own admissions she had herself denounced, and for which she had agreed to make reparation to us, and which she had pledged herself never to do again.

So the President has not changed, the country has not changed, Congress has not changed, the world has not changed; but Germany has changed. She has now changed her position, not upon grounds of principle, but only upon grounds of expediency or necessity.

Mr. Bethmann-Hollweg, chancellor, in responding to the questions of the members of the Reichstag as to why he had apparently changed his position, said he had not changed his position; that while he had said something that might be construed as being against ruthless submarine warfare, he had only hesitated and refused at that time to be in favor of unrestricted and ruthless submarine warfare purely on the ground of expediency, namely, because Germany was not then ready for it, but added that Germany was ready for it now. All the time when we supposed that the justice of our position had been vindicated by Germany herself she was merely waiting, according to the words of the chancellor, an opportunity when she would be ready. She thinks now that she can with impunity violate the laws of humanity and the laws of God because she is ready to conduct the campaign of lawlessness successfully.

Now, she has threatened that. The question now arises are we, the Congress of the United States, going to vindicate the United States or are we going to ignore the threats or condone in advance the things which Germany threatens she will do? Are we going to quail before the challenge which she has bluntly thrown

down to us and repudiate our Government and our people's rights?

Are we going now to record a vote of lack of confidence in the President, whom we have supported and led on in the belief that Congress was back of him, and in the belief that the world was back of him? Are we, upon a mere threat going to abandon him, the leader of our country, the President of the United States, and thus repudiate our rights and vindicate and condone the repetition of the terrible acts of which we complained and which Germany admitted were unjustifiable and which she pledged herself not to repeat.

That is the issue here in this resolution, Mr. President. I want to say that I am here not merely to say, "Mr. President, you have done this and you have closed my mouth, and I must perforce indorse what you have done." I want to go further and say that I approve of what the President has done because it is right and because the people have told him in advance that it was right and because he had a right to expect that when he took the position he has taken the country and Congress would line up back of him and sustain him as against a foreign country.

Now, it is said this may lead to war. God forbid that it should. This is not, however, a step that leads to war. It may be the only step that will still lead to peace. In union there is strength, and our diplomacy can have no strength when it appears that we are divided upon a momentous issue.

In the last two and a half years, during all the time that these great questions have been pending, the President has been sadly handicapped and hamstrung by a divided constituency. It would be too long and it would be fruitless to enter into a discussion here of the currents and the countercurrents that have been set adrift in this country to trip and to hamper the President of the United States in carrying out his foreign policy. Suffice it to say that he has been hampered, that obstacles have been put in his path which have hindered him from getting the benefit of the full force of a united American Nation.

The word has gone out into the world that the American people are divided on this issue. It has been said, and boldly said, more than once, that in the event of one thing happening or another thing happening, we could not command a united Americanism to sustain us. That has had its effect, no doubt, in our foreign relations, because there is nothing one nation fears less than another nation divided, and nothing which they fear or respect more than another nation united.

This is not merely a matter of sentiment; it is a matter of practical importance. I sometimes think that if any mistake has been made—I do not say that there has been—it has not been because we have a bloodthirsty President and a bloodthirsty administration, but it has been because we have been too solicitous about the feelings of other people and because we feared that we might involve at every step, unnecessarily, that due insistence upon a respect of our rights. I think we should assume, on the other hand, that an insistence upon a recognition of our rights would tend to keep us out of war. Urgent demands are resented, of course, but just demands are recognized when energetically presented.

I believe when the first breach of international law occurred the neutral nations of the world should have put the seal of their condemnation upon it at once and have tolerated it from no nation, because the yielding of one right invites the trespassing on another; and there is no end to the transgressing of an aggressive and unscrupulous force upon an ever yielding and never resistant force.

As was said here to-day, if there can be a blockade of the North Sea, why not a blockade three or four hundred miles from there? Why not a blockade a thousand miles? Why not a blockade 3,000 miles? Why not, eventually, a blockade just before our very door? And when the blockade gets before our very door, instead of defending our rights, will we still cry "Peace!" and and refuse to stand by the Government or our rights?

However, prudent men oftentimes know just when to stop, and prudent nations often know just when to stop; and I want to ask whether we are not in that situation now and whether the President did not have the idea in mind when he delivered his passports to the German ambassador that now is the time to call a halt?

It has been said here that two ways were open: One was for the President to send another note threatening that, in the event the German threat was carried out, we would resent it with force of arms, and the other was to hand Count von Bernstorff his passports. Which was the wiser thing to do? Was it to wait until Germany had actually committed the overt act and to put upon us the burden and the onus of declaring war,

or to serve notice on Germany in the most kindly way, but in the most emphatic manner, that here was a line over which she might not step, and thus take for granted that a prudent and wise nation would halt before it takes the final and fatal step?

I say the President, in my judgment, acted in the best manner possible, and that the issue now is up to Germany whether she wants to continue something which she herself has condemned by solemn note or treaty negotiations, or whether she wants to insist that she deceived the United States, that she misled the United States, and that she proposes to recognize no other law on the face of the earth than that of necessity. It is true that she is fighting with her back to the wall; that allowances should be made for a nation in desperate straits; but, as I understand, while international law takes into consideration the necessities of nations, it yet holds that no nation can invoke the law of necessity against the rights of neutral nations and the lives of citizens of neutral nations.

Mr. President, I hope that we shall have peace; but I know and I feel that if we expect to have a peaceful outcome of this difficulty we must have a united country; so that word shall go forward, not that this is merely Mr. Wilson's idea—the idea of Mr. Wilson, the individual, Mr. Wilson, the President—but rather the word that when the President speaks he speaks for the whole country, and that the country stands behind that speech and is willing to back it up as far as it may be necessary to do so.

I noticed the other day in the public press that in Germany the newspapers were not speaking of a breach of relations with "the American people," but they were speaking of a breach of Germany with President Wilson. What does that mean? It means, does it not, on the part of those who use that language that they do not recognize that Mr. Wilson is speaking for the people of the United States, but that he is speaking only for himself, not for the country, not as the responsible head of a great Nation?

I repeat, I hope we shall have peace; I say that if we earnestly desire peace, and if peace can possibly be preserved or war avoided at this time, it can only be done by every nation on the face of this earth being informed that the United States is a united country; that even though we have people living in our midst who feel aggrieved at this breach of relations, when the solemn hour comes when it is necessary to choose between the Government to which they have sworn allegiance and the land which gave them birth, no matter what their ancestry may be, they will elect to stand by the land of their adoption, to stand by this country, regardless of the cost and the sacrifice which it may mean to them.

The President in every line of his speech before Congress breathes the expression of good will and conciliation; but he lays down flatly and emphatically upon what terms this friendship may be retained. We are now called upon either to give him a vote of confidence or to withhold it; to give a vote of confidence to him not for doing something to which we have been opposed in the past, but for something to which we have been committed for the past two years, and for which we have supported him in every way and at every turn that the question may have taken. This is not only a vote of confidence or lack of confidence, but it is also a vote going to the solidarity and integrity of this country. It must not go out to the world that this country has turned down the President of the United States, who has acted within his proper functions and in accordance with justice and right.

It would be different, Mr. President, if we had at the head of this Nation a man who had gone mad, who was a tyrant, a usurper of power; but nobody doubts the patriotism of our President, no one doubts his ability, no one doubts his peaceful purposes, no one doubts that he is acting solely for what he conceives to be the best interests of this country. For two and one-half years Woodrow Wilson, President of the United States, has stood between us and war. His every effort, his every thought, his every wish and desire has been to conduct us safely through this crisis. It seemed, indeed, that he had succeeded in his heart's desire. Perhaps he will yet. Every one of his fellow citizens knows that if there be any way consistent with our honor and our rights or our interests to stay the awful hand of war it will be pursued. I am confident that our Government or our President will do nothing to promote war and that everything will be done to prevent war, if it can be avoided. Let the whole country, let a united citizenry, stand back of the man who has done his full duty through more than two crushing years. Let him feel now the helpful moral support of his fellow citizens in this hour of crisis. Thus, if at all, can be best avoided what we all dread and would all avoid.

Let us stand by the President because we thus stand by our country.

Is it going to be said that we repudiate our President and our Government? Have you stopped to think what the consequences would be should we repudiate the head of our Government, our spokesman who stands for our rights and the rights of humanity? If you take the helmsman from the helm, who will conduct the ship through the storm and turbulent waters? A President can not resign; he must still be President; and if you repudiate him, how could he serve you? He would speak as an individual and not as a nation. Of course I know it will not be done in a crisis like this. The people of the United States do not elect to the high office of President a man who deserved or who would be accorded such treatment. The time has not yet come nor that stage of degeneration yet set in when the people of the United States will refuse to stand by the United States.

Mr. President, I repeat I hope we may have peace. I hope I may never be obliged as a Senator to register my vote in favor of war. I hope the awful responsibility will never devolve upon me to decree that men must fight and die for our country. My thoughts, my purposes, my prayers are solely and alone for what I conceive to be the good of my country. May my judgment be clarified so that my voice and my vote will ever be found in truth and in fact for that which will redound to the good of the country and the happiness of our people. Whatever errors I may make in this Chamber will, I am sure, be errors of the head and not of the heart, and if I err now in the position I am taking I pray that a kind Providence may overlook it. But, in my judgment, it would be fatal to defeat this resolution now that it is before us. It would make for disintegration and not union to divide ourselves upon this issue. It would be unpatriotic, dangerous, and unwise to refuse to approve and indorse the acts of the President done within the line of his duty and his jurisdiction, and to give notice to the world that we are not a united but a divided and disorganized people. I shall feel constrained to vote in favor of the resolution.

Mr. McCUMBER. Mr. President, I wish to say just a few words before voting on the pending proposition.

I shall vote to sustain the resolution, but in voting to sustain it I am not passing judgment upon either the propriety or impropriety of having the resolution before the Senate. It is before us and we must vote on it. If I felt that in supporting this resolution we were taking one step nearer to war, I should pause, and pause very long, before casting a vote in its favor; but, Mr. President, instead of bringing us nearer, I believe that a united front in support of this resolution at this critical time will do more to prevent war than any one thing we could do to-day. Recalling the past diplomatic utterances of the President on the submarine controversy, his declaration of what he would be compelled to do under certain circumstances, I can not see how after receiving the last German declaration he could do less than he has done or more than he has done in severing diplomatic relations with the German Government.

Mr. President, it might be well to pause right here before going further to ask ourselves what are the rights that the President of the United States claims for the American people and which we stand pledged to maintain? I do not believe that the President questions for a single moment the right of Germany to place restrictions upon trade in munitions of war with her enemies. We do not for a single moment deny her right of blockade; we do not claim upon our part that we can without interference send munitions of war or other contraband into the British Islands. All we are claiming, if I understand the President's address aright, is simply that in the exercise of the right of a belligerent to prevent the importation of munitions or other contraband of war into an enemy country he shall exercise the usual precautions that are required by international law. What we claim is, not that we may break that blockade which Germany has declared around the British Islands; not that Germany may not seize any American ship that is laden with contraband; but what we claim is that the question of whether a ship is carrying contraband and the question of her right to enter that zone shall be determined before the vessel is sunk.

It is up to Germany to say whether or not she will accede to that demand of the United States. Certainly it seems to me that the Imperial German Government will not seriously contend that she has a right to declare that only one American ship shall sail from the United States to Falmouth if she carries nothing but mail, or that she can sail but once a week, or that she can limit the number of ships of American registry that may sail the ocean or that may carry our goods not declared contraband or our mails and passengers even to a belligerent port.

We do not deny, and we can not deny, her right to maintain her blockade; but is it necessary for the protection of the life and existence of the German Empire that she sink without notice American ships not laden with contraband? Is it not necessary,

even though such vessels are laden with contraband, that she shall determine that question before they are sent to the bottom of the ocean? Is it necessary to preserve her life that she destroy American lives by this method? I do not believe, Mr. President, that the great central powers will claim that that is essential; and if we do not insist upon international conduct which we would not concede to others were we engaged in a war, I do not believe there is any real danger of war with the Imperial German Government. We only claim that questions of contraband and questions of the innocence of vessels traversing the war zone shall be determined before, and not after, they are sent to the bottom.

Mr. President, I was one among the thirteen in the Senate who declared it to be the duty of the American Government to suggest to American citizens that they ought not needlessly to travel in the war zone during hostilities and during a time when we were attempting to settle mooted questions with one of the belligerent powers. I am still of the same conviction. I feel that American citizens owe a patriotic duty to this Government to keep us out of war, if possible, and that if they will refrain from exercising every international right they may have, and remain upon American soil when it is not necessary for them to visit the war zone, they will confer a blessing upon their country by keeping it out of any possible war with any of the belligerents.

I hope that that will be done; but if it is not done, it is still within the power of Germany easily to keep out of war with the United States. It is within her power to unleash the dogs of war if she pleases so to do, but by exercising a due consideration for the rights of humanity and the rights of neutral vessels she can avoid war with us.

I am certain, Mr. President, that the President of the United States will do everything in his power to keep us out of any armed conflict, and that he will require the most positive proof of a flagrant abuse of international law and of the rights of American citizens before he will come to the Congress and ask us for armed force to maintain our rights. But it seems to me, Mr. President, that there is nothing else we can do at the present time except to say to the Imperial German Government and to the nations of the world that when the President severs diplomatic relations with any belligerent power, when he declares a great principle of international law, which we all concede to be the law, and insists that we shall maintain our rights according to the terms of that declaration, it becomes our duty to sustain him in a vote of confidence. Therefore, Mr. President, I shall vote to sustain the resolution, but I shall now and at all other times do all in my power, all I can do within the bounds of national honor, to keep this country out of this great world conflict.

Mr. STONE. Mr. President—

The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. I merely ask for a vote on the resolution. The yeas and nays have been ordered.

Mr. HOLLIS. Mr. President—

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. HOLLIS. Mr. President, I hope the Members of the Senate will read the resolution very carefully before they vote upon it. The minds of Senators are already made up on the questions that are involved in the present controversy. All Senators earnestly desire to avoid war if it can honorably be done. All Senators will loyally support the administration if war is declared. On those two propositions I believe there is absolute unanimity.

But on two other questions there is substantial disagreement: First, as to whether diplomatic relations with Germany should have been severed, and, second, as to what cause might be sufficient to warrant a declaration of war.

On reading the resolution I find that it is distinctly of a peaceful character. It is in no sense a preliminary declaration of war. I have come to the conclusion which I have stated, because I know the source of the resolution, and I have carefully considered its terms. I believe that the distinguished Senator from Missouri, the author of the measure, firmly desires peace and that he will go further than a majority of this body to secure peace. But when I read the resolution I am sure that the intention of it is peaceable.

The body of the resolution asks for the approval of the action of the President as set forth in his address. The only action set forth by the President in his address was the severance of diplomatic relations with Germany. There is, moreover, no declaration by him as to whether war should be undertaken.

The preamble of the resolution states three propositions: First, that the President has severed diplomatic relations with Germany. That is the very matter involved in the resolution; second, that the President has expressed his desire to avoid

conflict with Germany; and, third, that the President has declared that he will submit the matter to Congress and ask its authority before he takes further action. The two propositions stated in the preamble which do not appear in the body of the proposition, are distinctly peaceful and they were inserted before the body of the resolution for the express purpose of declaring our peaceful attitude and our peaceful intent.

Some of us, if we had had the responsibility, would not have suspended diplomatic relations with Germany. Others would have taken that course. But that is not the question before the Senate. That action has already passed into history. What is before us now is, whether we shall approve the action of the President in severing relations with Germany. And I wish to appeal to those of our friends on the floor of the Senate who particularly desire peace to help us get a unanimous vote to support the action of the President because in doing that they will emphasize the two peace-looking sentiments expressed in the preamble and help to present a united front to all the world. It is more important that we stand unanimously in support of the President at this time than that we express our own personal views as to just what should be done to avert the conflict that we all wish to avert.

Mr. MYERS. Mr. President, I think there has been more debate than was needed on this resolution, which, I think, might well have been spontaneously, unanimously, and without debate adopted immediately upon being laid before the Senate, and the Senator from Missouri [Mr. STONE], the author of the resolution, having expressed a desire for a vote, I will merely indulge in a few sentences to explain my motives in voting for the resolution.

It has been stated by some Senators on the floor of the Senate during this debate that they would vote for this resolution regardless of whether or not they believed the President was right in his action of last Saturday in severing our diplomatic relations with Germany, perhaps believing that he may have been wrong. It has been stated by some Senators that they would vote for this resolution, while at the same time deprecating the fact that the resolution was brought before the Senate; and at least one Senator on this side of the Chamber has stated that he would vote for the resolution, while at the same time deprecating that it was brought before the Senate and condemning the Senator from Missouri [Mr. STONE] for having introduced it.

I merely want to go on record and make it plain, before the vote is taken on this resolution, that I am not one of those Senators who will vote for the resolution regardless of whether or not I believe the President was right, perhaps believing that he was wrong. I want to take it plain that I am not one of those Senators who will vote for the resolution while at the same time deprecating that it is before the Senate and condemning the Senator from Missouri [Mr. STONE] for having brought it before the Senate. I will vote for this resolution because I believe that the President was absolutely right in what he did; that it was his plain and manifest duty to do what he did; and that it is the duty of the Senate voluntarily and spontaneously to come to his support and uphold him in maintaining the honor and dignity of the Nation.

I believe that President Wilson was absolutely right; I believe that he would have been justified long ago in doing what he did; I believe he would have been justified in what he did at the time of the sinking of the *Lusitania*. The President has been very patient; he has waited until he arrived at the point, in my opinion, where it was absolutely his duty and where there was no escape from it, to take the action which he has taken. If the President had not done what he did, this Nation would have received, and would have merited, the contempt of the civilized world.

In April of last year the President sent a note to Germany, informing that Government that if certain practices were continued and persisted in or resumed he would break off diplomatic relations with that country. Now, Germany sends him a note, stating that she intends to do those very things, thereby placing the President and the people of this country in a position where they could not fail to meet that challenge if they desired to maintain their self-respect and uphold the honor and dignity of this Nation before the world. The action of the President was unavoidable. It was the only thing to do. I undertake to say, too, that the people of this country are behind the President and are supporting him in this matter. The press shows it; the State legislatures, by their action, show it. There is no doubt that the people stand with the President. Should we do less? Are we not as patriotic as our constituents?

If the President had not done as he did, the people of this country would have been put down before the world as a

Nation of poltroons and cowards. They would have been put in the attitude of favoring peace at any price, even at the sacrifice of our commerce, our international rights, our rights on the seas, our self-respect, our national honor, integrity, and dignity, and so there was no other course to pursue.

It has been stated here that the President should have sent another note to Germany. If the President had sent another note to Germany, I think he would have made this country absurd and ridiculous in the eyes of the world. It was not a time for notes; it was a time for action.

It has been intimated here that the President should have let the Senate know that he wants this body to uphold him if this resolution is to be adopted. Has the patriotism of this body sunk so low that when the President is engaged in upholding the honor, the dignity, and the self-respect of this Nation we should sit here idly and wait to be told that he would like to have our support before we go to his support? Must we be solicited to do our patriotic duty? This body should rush to our President's support voluntarily, spontaneously, and eagerly when he is upholding the honor and dignity and respect of our country, as he is. The action of this body should be voluntary, unsolicited, spontaneous, unqualified, and ungrudging in giving the President support in what he is doing. Our national honor is at stake. We should be as jealous of it as our President.

As to the action of the Senator from Missouri [Mr. STONE] in introducing this resolution, if I have any complaint at all to make, it is that he did not offer the resolution last Saturday afternoon. If I have any complaint at all to make of the Senate, it is that the Senate did not unanimously and eagerly adopt this resolution last Saturday afternoon, and let the news be flashed around the world that this body upholds the President, simultaneously with the news of his communication to Congress of his action in severing diplomatic relations with Germany. I think it was not only the right but the duty of the Senator from Missouri [Mr. STONE] to offer this resolution. From whom could it more appropriately come? He is our leader in matters pertaining to foreign relations; he is our spokesman in matters pertaining to foreign relations; and it is appropriate, fit, and proper that this resolution should be introduced by him. It was not only his privilege but his duty, and if he had not done it within a reasonable time I think some other Member of this body should have done it. But it naturally comes with more appropriateness, fitness, and propriety from the Senator from Missouri, the chairman of the Committee on Foreign Relations, than from any other Member of this body. If the action of the President should lead to war, it would not be his fault; it would not be our fault. The responsibility would be upon those who challenge our honor and insist on violating our rights. The President is a patient, peace-loving man. He has shown it; but he cherishes our honor and rights, and is not afraid to defend them; neither should we be. In such matters we should be his loyal supporters, and should make it known to the world.

I will vote for this resolution gladly and ungrudgingly, because I believe the President is absolutely right, because I believe that he did his duty; because I believe he is upholding the honor, the dignity, and the rights of this Nation; and because I believe it to be the duty of this body to go voluntarily and spontaneously to his support in doing so. We should fly to his support. Wait to be told that he would like to have our support? That is unthinkable. Perish the thought! Let us be as one with our President in defying a challenge of our rights from any nation or power on earth. Let no man, nation, or power think for an instant that in matters of national honor this body hesitates or wavers for a second in its loyal allegiance to our leader, our champion, our patient, prudent, time-tried, and soul-tested President.

Mr. GRONNA. Mr. President, when the President delivered his message in joint session in the House of Representatives on the 3d of this month I was asked to give an expression as to whether I approved or disapproved of the President's message. I said, Mr. President, that not knowing the conditions as the President knew them, I was willing to take his judgment, and that it was probably the only thing left for him to do. But, Mr. President, that has nothing whatever to do with the resolution which has been introduced here by the distinguished Senator from Missouri, and I regret exceedingly that it has been brought into this body. This is only a Senate resolution. The Senate can confer no additional power upon the President of the United States that is not already conferred upon him by the Constitution of our country, and to say that we must pass this resolution merely for the purpose of showing to the country and to the world that we have confidence in the President, it seems to me, is not a sufficient argument to ask us to vote for it.

Of course, every loyal citizen of this country will support the President of the United States when he needs our support; but it has been stated upon this floor by the distinguished Senator from Missouri that the President of the United States has not asked for the passage of this resolution.

Mr. President, the fathers of this country very wisely provided that the Congress of the United States alone has the power to declare war. The President of the United States has acted, he has exhausted his constitutional powers, and I have not criticized him. He has done all that he can do under the power conferred upon him by the Constitution. The question will have to be solved by the Congress and not by the President. As much as I am interested in the President of the United States, and willing, as I may be, to follow him when he is right—which I assume he would be in so grave a cause as this, Mr. President—I am more interested in the welfare of the people of the United States than in any one man; and I, for one, am not willing to yield a single iota to any man, whether it is the President or anyone else.

Mr. President, I shall not vote for this resolution. I am opposed to this resolution, because it has no proper place in this body. It does not confer upon the President any additional power whatever. I think I have demonstrated during the short time that I have served in Congress that when the President of the United States needed my support he has always received it. I have not been one of those who have criticized him for the mistakes that have been made in dealing with countries closer to us than Germany, and the Members of the Senate know it.

Mr. President, I do not wish to go into this resolution and discuss it at length. I think it would have been a great deal better if it had never been introduced and if it had never been discussed. The country knows that every Member of the Senate will stand by the President in time of need. This resolution simply provides that we shall, by our votes in the Senate, show that we have confidence in him. If the President of the United States should send a message to Congress asking for appropriations for war purposes or upon a declaration of war it would have to be acted upon by both branches of Congress. I want to be free to vote as I see my duty. I do not wish to bind myself now to vote for any measure, regardless of whether it is in accordance with the wishes of the people whom I represent and the wishes of the people of this great Nation.

Mr. JONES. Mr. President, I am satisfied that the motives of the Senator from Missouri [Mr. STONE] in offering this resolution were of the highest and most patriotic character. I think, with reference to many of the questions connected with this situation, his views and mine are very much alike.

I objected to laying aside the unfinished business to take up this resolution. I did it because I believed this resolution to be ill advised, inopportune, and wholly uncalled for. I did it because I feared that just exactly what has occurred would take place. I do not know what others think about it, but I think that the debate to-day is the most unfortunate occurrence that has taken place in connection with this whole matter. It is very unfortunate that divisions should appear among us when we are confronted with the situation that now confronts us.

I am not going to discuss the various issues that may be considered to be involved in the matter, many of which have been discussed by Senators. I simply want to explain my position, in view of the fact that a roll call has been ordered upon the resolution. In my judgment, it would have been far better if no roll call had been asked for, and if the record had been made in such a way as to indicate no special division among us. But the roll call has been insisted upon and has been ordered, and I want to say just a few words.

I have always taken this position with reference to the acts of the President: Whenever the President acts, in our relations with foreign countries, within his powers under the Constitution, his act, as I look at it, becomes the act of the Government and country; and I am for my country right or wrong. It seems to be generally conceded, and I assume, that the President acted in this matter entirely within his constitutional powers. What was done was his act as it was done; but when he did it, it became the act of our Government; and as such, without questioning it in one way or the other, I would stand back of it and uphold and support it no matter what my personal views might be. I consider that my duty, so far as I am concerned, as a citizen and as a Senator.

Like the Senator from Alabama [Mr. UNDERWOOD], however, I wish to say that I do not consider that I am bound in any way whatsoever or limited in any way whatsoever by my vote upon this resolution in the course I shall take if, unfortunately, the question of a declaration of war shall be presented to this

Congress. Then will come a question that I must pass upon as a Member of one of the war-declaring bodies of the Government. Then whatever is done will be my responsibility, and I shall pass upon that as I deem to be wise, proper, and patriotic without feeling that I am restricted or limited or bound in any manner or form by this resolution or by my action upon it.

I am going to vote for the resolution, as it is here, simply because the act that it approves, so far as I consider it approves any act, has become the act of my Government, and nothing that I can do or say would undo it in any way.

A few days ago I delivered an address, and I want to repeat just a few words that I used then as expressing my views now. I said then, referring to this issue, that all partisanship should be laid aside. All former allegiance should be smothered. Our Americanism should be supreme. Devotion to and support of our Government, right or wrong, should be the watchword of each one of us. Our country now should have our sole and undivided loyalty. Our Government must assert and maintain the rights of its citizens; and you—referring to the people to whom I was speaking—and I owe it to our Americanism to support the Government, and we will do it.

Every American, however, worthy of the name, will do his part in this critical hour and refrain from exercising his right to travel for pleasure, or trade for profit, in order that his beloved country may not be drawn into this hell of ruin, suffering, and death.

It would be a crime against humanity, and a travesty upon the people's Government, if national honor may be used by selfish pleasure and lustful greed to involve 100,000,000 of peace-loving people in war. The Nation owes to its citizens protection in their legal rights, but the citizen owes it to his Government to make sacrifices to keep it out of war. Surely, if the many are expected and are willing to offer their lives to maintain the Nation's honor, the few will be willing to forego pleasure and gain that the Nation's honor may not be attacked. In behalf of the humanity of America I appeal to every citizen to be patriotic in peace as he expects others to be patriotic in war.

Mr. President, I hope there may go out an appeal to the citizens of this country in this hour of danger; and I wish that our press, instead of continually urging war preparations and all that sort of thing, would lend its influence in an appeal to the people of this country, as was suggested by the Senator from North Dakota [Mr. McCUMBER] a few moments ago, to stay at home, to refrain from exercising the rights that the Government has asserted it will maintain to travel for pleasure or for profit, and not put themselves not only where they are in danger but where they endanger the peace and the prosperity of their country.

If we should declare war, we would expect the sons of our homes to offer themselves as volunteers to defend with their lives the country's honor. How much more ought we to expect our citizens to stay at home, not because they may not have the right to travel but in the interest of peace and the safety of our country? I should like to see coupled with this resolution a statement by the Senate that while we will assert and maintain the rights of our people, we will appeal to them to make some sacrifices in order that peace may stay with us, in order that we may not be confronted with the terrible alternative of war or national dishonor. I hope that the few of this country that may be tempted to go abroad, whose rights the Nation may have to maintain if they are endangered, will just deny themselves the exercise of these rights and show their patriotism and their love for country by doing this for just a little while. That will insure peace. That will show their patriotism. That will bring to them the consciousness that they have done their duty as citizens and preserved the peace of their country and the happiness of its homes.

Mr. HARDWICK. Mr. President, I am going to be very brief; and I make that statement in order that I may, if possible, induce Senators to listen to me for just a few moments.

Mr. LANE. That is offered as a bribe, Mr. President.

Mr. HARDWICK. Mr. President, the Senate is undoubtedly the greatest debating society on earth. That is a question that we might view from different angles. Some people may approve of it and others may reprobate it; but, for one, I hate to see the Senate become a debating society for moot questions and undertake to decide moot questions. I hate to see the Senate continually called on to express its opinion about matters that are not within its constitutional powers and upon which it is not called on to act.

I recall that not two years ago it was considered almost lese majeste throughout this country that either House of Congress should express an opinion on what were called the Gore resolution in one body and the McLeMore resolution in the other,

warning American citizens not to travel on ships of belligerent nations; and the argument was then advanced, with so much force that both Houses of Congress yielded to it by tremendous majorities, that those questions were being settled by the President in a diplomatic way, in the proper exercise of his constitutional functions, and that the Congress had no concern whatever in it and no power with respect to it.

I thought that was true then. If it was true then, it is true to-day; and the Congress of the United States as such, and neither House of the Congress of the United States, is called upon to take, nor indeed can it take, any constitutional, legal action with respect to sending the ambassador of a foreign country away from this country or recalling our own ambassador from a foreign country. Now, if that be so—and no Senator will controvert it—then it seems to me, as an original proposition, that the contention of the Senator from Alabama [Mr. UNDERWOOD] is manifestly sound, and that the Senate of the United States, one of the great constitutional law-making bodies of the Government, ought not to be called on to express any opinion whatever except about matters that come within its powers and about which it can take definite and constitutional action.

So much for that; but the question is here, and must be dealt with. It is just as well, Mr. President, for Senators to realize exactly what we are doing by this resolution, and for the country and the world to realize exactly what this resolution is and what it means.

Leaving out the preamble—and preambles never amount to anything; they always weaken a resolution or a law—the resolution that the Senate is called on to pass is this:

Resolved, That the Senate approves the action taken by the President as set forth in his address delivered before the joint session of the Congress as above stated.

The resolution is that the Senate approves the action of the President. What was the action? The action was that he gave the German ambassador his passports and recalled our ambassador from Berlin. Well, Mr. President, I will say if my opinion is desired in an ultraconstitutional way, that I do approve that action. I approve it for two reasons: First, because the President acted within his constitutional powers in taking it, and if he did not violate or exceed his constitutional powers, it is our duty to approve it, because he is the recognized organ of the Government for taking such action. Above that and beyond that, I approve the action for another and a very different reason, and a very weighty one, I think. To these Senators on both sides of this Chamber who have expressed their devotion to the cause of peace, I desire to say that I yield to no one in devotion to that cause, but it is my judgment that the President could have taken no weightier step, could have adopted no more effective method of promoting the cause of peace than to let the Imperial Government of Germany realize the intense gravity of the situation, to enforce upon that Government the view that this is a matter of the utmost gravity, and that the American people so regard it. If it was necessary to do something more than write notes—and I believe it was—if it was necessary to do something more than employ mere words to drive that conviction home to the German heart, then the President has adopted the only method that he could constitutionally adopt, the only method short of war itself that this country can adopt, to make the German Government realize how serious the situation is, and how seriously our people regard it. If anything on this earth, Senators, can promote peace, if anything on this earth can preserve peace and maintain peace with the German Government, it will be because the German Government and people realize, and it is driven home to them in this way, the gravity of the situation.

Therefore, I say, with all my heart I do approve the conduct and act of the President in directing our ambassador to come home and in sending their ambassador home, so that the Government of that country may understand how important this question is to us, and how serious the situation is to us, and to them.

Now, Mr. President, just one word more and my part in this discussion is over. I would seriously regret to see any considerable number of Senators in this Chamber, on either side of it, vote against this resolution, not that I would question their motives, not that I would criticize their conduct, not that their conduct would be misunderstood in this country, but for fear that foreign people and foreign governments that do not understand the American people, that do not understand the American institutions, might misinterpret and misread the situation here if it went out to the world that on this issue, thrust in this body unwisely, I believe, but nevertheless here, there was a considerable division in sentiment among the Members of the American Senate, it might do a vast deal of harm in other countries; it might defeat the very object of the President of the

United States and nullify his attempt to emphasize the gravity of this situation and apprise the German Government of the serious condition of public sentiment here on this question.

So I earnestly hope that no considerable number of Senators will vote against the resolution, since it is here and we must vote one way or the other. If they do, I earnestly hope that their position may not be misapprehended abroad because, Mr. President, I believe, and every Senator on both sides of this Chamber must believe, yea, must know, that there is no real division of opinion or sentiment among the American people on this great question or in this great crisis. We do not want to fight about English rights or French rights or German rights; but, Mr. President, if we must fight for American rights, if they can be secured in no other way on earth except by fighting for them, I think the nations of the earth are destined to discover that there will be no real division of opinion among the American people on that issue. If any nation on this earth, great or small, in Europe or anywhere else, thinks that the American people will tamely submit to see American citizens butchered and their rights ignored on the high seas or anywhere else, that nation is about to receive a pretty speedy enlightenment as to what is the real temper and sentiment of the American people. There is no division among us. We do not want to fight about technicalities or about whether ships are armed defensively or offensively. We do not want to fight for English rights, but for American rights every citizen of this country will give his life, if need be. We want peace above all things except the honor of this country.

Mr. TOWNSEND. Mr. President, I do not indulge the hope of adding anything to the discussion that has already taken place, and were it not that against my advice and better judgment I am called upon to vote upon a resolution which I feel has no proper place here I would say nothing at all. If this resolution is introduced as a friendly act to the President or in the interest of the country's peace, then it seems to me that the President and the people should devoutly pray to God for deliverance from their friends, because I can think of nothing that will have a more opposite effect upon those purposes than this resolution and the debate which has followed its introduction. Prior to its presentation here and since the President's address to the two Houses of Congress there had been no expression in the Senate, there has been no opinion expressed in public by Senators antagonistic to the action of the President. Those who may have differed from the President have felt that opposition should not be publicly expressed. Senators have felt that he had acted in his constitutional authority and had not exceeded that authority, and were hoping that good might come from it. They have remained silent, and by their silence at least have given the nations of the world to understand that there was no division in the Congress of the United States or among the people of this country in their loyalty to the President.

But somehow or other some Senators who seem to be in charge of the foreign affairs of the Senate have seen fit to take some peculiar steps. The other day a resolution was introduced asking the Senate to pass upon a matter which was not within its jurisdiction, indorsing the President's efforts for peace. To-day we are asked to indorse an act of the President which presages war. Why any Senator should have conceived it to be his duty to open up this question in the Senate and thus invite discussion is more than I can understand.

I said that I was going to be forced to vote upon this resolution against my better judgment. I know it has no proper place here, and I would have liked to have remained silent both in voice and vote on a question which can not accomplish any good purpose. I urged Senators who were insistent in presenting this resolution to refrain from doing so, because I could foresee, knowing the habit of the Senate in the past, that it would be debated, as it has been debated, and that instead of showing the world that there was harmony here it would be shown that there was a wide difference of opinion among Senators. The result has confirmed my prediction.

I agree, however, with the Senators who have preceded me that when it comes, if it shall come, to action to be taken on the part of the Senate on any matter, however serious, all Senators will be loyal to the Government. Certainly I will. I myself can conceive of no other action that the President could have taken than the one he did take. I have thought many times, and have so expressed myself on several occasions, that our country's conduct of foreign affairs in the past has led up to this fateful hour. It has struck.

Now, instead of allowing the effect to which the junior Senator of Georgia [Mr. HARDWICK] so eloquently referred—namely, the effect upon the Imperial Government of Germany by the decla-

ration of the President of the United States in breaking off diplomatic relations—the Senate in a measure at least neutralizes that effect by this protracted debate.

I trust, Mr. President, that if we shall have greater trials or continued trials in the future, this experiment of bringing irrelevant matters to the Senate will not be repeated. The Senate has its duties to perform and I submit it will not shirk from the performance of those duties if the time to perform them shall come, but to ask at this time Senators to indorse a resolution which is read differently by different Senators and which some feel commits them to a policy which upon reflection they might not wish to approve is not dealing justly with them.

Mr. President, I shall support this resolution on the theory that it is to be an expression by the Senate whether the matter is properly here or not indorsing the President of the United States. I do not care to be registered in opposition to the President of the United States in his efforts to protect and maintain the rights and honor of our country. I have my opinion as to who is responsible for the step that has been taken, but it is not proper nor will it serve any good purpose for me to express that opinion now. The step has been taken. The President of the United States is my President; he has spoken for my country and I shall not knowingly give the impression at home or abroad that I am opposed to upholding his hand in these fateful times, reserving to myself, however, the right to determine later if the question is put up to me whether the cause is sufficient for us to declare war upon a nation which through all our history has been friendly to us.

I regret exceedingly that these circumstances have arisen. I would have been glad not out of cowardice but I would have been glad to have avoided a vote on this useless trouble-making resolution. But it is here and with this explanation I shall vote affirmatively, regretting exceedingly that those who have thought it best to present it had not read the inevitable result.

Mr. STONE. Mr. President, now that the sapient and pulchritudinous Senator from Michigan has unloaded his tender stomach of overcharged bile I hope he may be given an immediate chance to reluctantly avail himself of the opportunity he seems to dread of speaking by way of a vote. I ask again for a vote.

Mr. LANE. Mr. President, I have been unable to attend the sessions to-day. I was on committee work all day, from 10 o'clock until about 3, and I have not heard the arguments. I find myself compelled to decide on a question which I have not heard discussed either pro or con.

As far as I am concerned personally, I have felt as a citizen of this country that it was the duty of the Congress and the executive department of the Government to keep the people out of war at this time, except in case of repelling invasion. The war between the warring nations is a horror, the greatest that has ever happened in the history of mankind; it has cost suffering and loss of life and loss of money to a degree that perhaps is almost incalculable. I did not want to participate in it. We are 3,000 miles from where it is being carried on, or more than that, in fact, on the average. We will have plenty to do if we attend to our own business. We should occupy a position of strict neutrality with kindly expression to all and the hope that they may quit the useless slaughter and with an offer to freely help them recover themselves when they do quit, quite regardless of either or any of the nations and without prejudice to any one of them. That has been my state of mind ever since the war began.

I love the English and their bulldog grit. In part they are my ancestors. I always did like them. I think I love the French more than any other of the warring nations. They came to our rescue in a time of our early history, and they are such a light-hearted, loyal, patriotic people that I admire them. I admire the Germans for their efficiency and steady industry, their deep, hard study in solving problems of scientific and economic value to the world, in which matters they have led every other nation. I like all of those people. I have visited in all those countries as a medical student and I made my home in the family boarding houses. There was never a better woman in the world than the English woman with whom you go to board. There is nobody more kind than the good, motherly old French woman who takes you into her house and treats you as she would her own child.

When you go over to Germany the good old hausfrau delights in stuffing you, if she can, with good things to eat, like your own mother did, and then assigns you to sleep between great thick feather mattresses, which smother you almost to death, but always with the kindest intention. No man can visit among any of these people without loving them, respecting them, and being ready to fight to keep them happy and out of the horrors of war. Those are my sentiments and have been at all times. I have commiserated with all of them, and only hope and pray

that we, as an independent Nation outside of their borders, with prosperous conditions, might stay at home and mind our own blessed business. We have plenty to do here, and should keep out of that trouble.

In early days where I came from when a row would spring up among men, and they began shooting at one another, the rule of common sense which was practiced by the people who were not engaged in it was to keep out of it, and nobody who was not a born fool ever rushed in between them to become a backstop for bullets. We always left them to fight it out, and thanked God we were not mixed up in it, and then when the smoke had cleared away we gathered the dead up on a shutter and sent for the doctor for the wounded; we regretted the occurrence and went about our business. At this time we are confronted with a similar condition, where one nation has said to us, "We are at war and you must not trade with such and such a country, and if your ships are loaded with cargoes that will be of value to those people whom we are fighting we will confiscate the cargo and tie your ships up in our docks." Then later along comes the other country and claims that the other enemy nation is trying to starve them, which they are, and they place the same restrictions upon us, and draw a dead line around their enemy's country and declare it to be a danger zone and tabooed.

Any American citizen who would go to Europe and walk down between the trenches where they were firing at one another with their machine guns would be an ass, and would deserve to get just what he would get. I would not fight for him. No; I would not take any chance of being shot at for him. That kind of a citizen is of no value or credit to us; he puts this Nation in peril and does not bring anything of value in return to this country after having been nurtured in it to the age of maturity, an age when he ought in ordinary decency to help keep out of trouble by using a reasonable amount of common sense. So I would say to him when he starts for the war zone, "My dear brother, we bid you farewell; you may go there if you want; you can tramp up and down all your life between the firing lines; but I do not assume any responsibility for your happiness or good health. It is right up to you."

After a nation has fought bravely and well as have the others and for what it considers to be as just a cause and for as high ideals as its enemies, and it should come and say to me that there is a certain zone about my enemies' country inside of which no ship will be permitted to pass with ammunition or food, I would say to him, "Very well, that suits me first-rate. I live more than 3,000 miles away from you and our people at home need all the food we have and more than they get and it looks like we might need our ammunition after a while in order to rehabilitate ourselves from a peace footing to one of reasonable war preparation in the event that some other nation may come to dislike us. It is up to you, gentlemen. I will keep my ships at home."

There is many a family in this country to-day, gentleman, who under the high cost of living, due in part to the war, are not getting quite enough to eat. Right here within five blocks of this building where I am talking, or not to exceed 10 squares, and all over the country there are families that are cutting down on their food supply for lack of money with which to pay for it. Our first duty is to them. Prices of food have gone up so high that no more can they eat the amount which is necessary for their proper nourishment. They are also going short of clothing and shoes, both in quantity and quality, and children begin to suffer here at home, all due in a degree and indirectly to this great and unfortunate conflict which is going on upon the other side of the ocean, and I have no heart in it or for it.

I would say to the people of this country or to the gentlemen who want to ship merchandise and other articles of value for profit for the support of these other people, that our people also need them, and it may be that they need them nearly as badly as do the people over there. In England the price of bread is said to be cheaper than it is in this country for the reason that they have cheaper wheat than we have, because they bought it from us when the market was lower. Our first duty lies here; and our people both need and want bread. They are our people, and they are those of our people who will have to fight if we become entangled in your embroilment. Our first duty is to them.

I would say to those who want to go across the dead line, where there are submarines or Zeppelins that drop bombs, "Go, and God go with you; but go at your own risk. I will not fight to save the merchandise of any such American citizens as you are. Go and get killed if you want to, but we, the people, will not fight for you, or the like of you, or for your cargoes of war supplies."

I have been at sea a little, and although I have never served "before the mast" I will guarantee to the Senate that I can

take a ship out to sea, and if the sinking of that ship will cause war between this country and some other nation I can bring a war home to you and upon this country in 10 days. It would be an easy thing to do, so easy that I fear it will be done by those who would profit from such an incident. We are running a great risk at this time. From motives of selfishness anyone may force this country into a war in a week, if we are going to stand upon our rights to act the fool in any such a manner.

It is the duty of this country, first and now, as it has been its duty for some time in the past, to say to American citizens: "Go yourself or with your ships at your peril; go with the understanding that you are about to cause the loss of thousands of lives of your fellow citizens, who are just as good men as you are, and most of them better, I presume; go if you want to make an excursion into the realms of warfare; but go at your own peril. We will not imperil the happiness and perhaps the very existence of this Nation to fight for such as you." So also to the man who wants to ship for profit I would say: "Do you also go, but at your own peril. I will see you to the 3-mile limit, I will give you a Book of Psalms and a God bless you, and 'a fare ye well to you,' and then watch you fade from view and sink into the horizon, and if you come back, well and good; but if you do not come back I will not grapple either for your body or your cargo. You well know the risk yourself, and you have a right to assume it; but you have no right to push or drag me into your row. The minute you do, you become my enemy, just as much as the foreigners with whom I have no conflict or anything but kindly feeling."

That is where I stand on this question, and where else am I going to stand, not only for myself, but for the people whom I am representing, and whom I believe indorse me in the position which I take here and who have prayed that we be kept out of this war.

So I say, that while I have not had time to be here to listen to this argument, to the argument which might convince me that this is not my proper course to pursue, they are my opinions as one of you, representing a people just as good as any whom you represent, and I am not afraid to express them at any time or any place.

Mr. BORAH. Mr. President, we have professed from the beginning of this war to occupy the position of a neutral Nation and to be interested alone in maintaining the neutral rights of a neutral Nation. It has seemed to me that that was the proper attitude to occupy, and should be the attitude which we should occupy on to the close of this controversy. A South American statesman said at the beginning of this war that the rights of the belligerents at sea should begin where the rights of the neutrals end. That, to my mind, is the correct rule, and the rule which we should have made and should now make every effort to maintain. It is a rule which we should apply and enforce toward all alike.

If I understand the purpose of the President in breaking off diplomatic relations with Germany, it was solely and alone in the interest of our neutral rights, the President believing that, by reason of the record which had been made by Germany, her last note was a direct challenge to those rights, and that his action in severing diplomatic relations was solely in the interest and exclusively for the purpose of maintaining those rights. Believing, as I have from the beginning, that it was our duty to firmly and positively maintain and support those rights as against all who should challenge them, I can not do otherwise, of course, than to vote for this resolution as an indorsement of that which the President believed to be the proper way to maintain those rights.

Mr. President, there is no difficulty upon my part in arriving at that conclusion so far as this particular vote is concerned. What most disturbs me is that in all probability, if the worst should come to the worst, we shall no longer be able to keep the position which we have professed to occupy heretofore, and that we may find ourselves, unless we are most circumspect and resolute, an open and avowed ally of one of the belligerent powers or of one group of the belligerent powers. That, in my judgment, would be the most disastrous thing that could possibly happen to this country. I rise, therefore, not so much to explain my vote in reference to the pending resolution as to throw out a single suggestion in reference to that feature of this unfortunate situation.

I have observed from the press, particularly from interviews in the press both at home and abroad, and from letters and telegrams, that there is the belief that this action is a pronounced step in the direction of engaging in this war, not for the purpose alone of protecting neutral rights, but for the purpose of bringing this war to a close by throwing our weight and our influence upon the side of the allies. I read only yesterday morning a statement by one of the most distinguished publicists

in this country, published in a paper which has perhaps as large a circulation as has any other paper in the country, this statement which I shall quote. After reviewing the action of the President and what probably might be done, the statement says:

Should we not rather try to supplement as best we can the entente-war organizations already in operation? This means placing the Navy under British orders; encouraging foreign enlistments; stimulating the export of war material, above all aiding the enemies of the common foe with our financial resources. In the main, that is what Japan has done. To do otherwise, in my judgment, is to waste our strength.

That view, Mr. President, has found expression not in the Senate Chamber, but by many and some of great influence outside of the Senate Chamber, by people who ought to think along different lines.

It ought to be distinctly understood that we are interested alone in protecting our neutral rights as a neutral Nation, and that what we have done and all that we may do is for that purpose and no other. We are seeking no alliances. We are not consciously or purposely moving to the side of either of the belligerent forces. That is the position we should occupy; it is the position which I shall hold myself free at all times to the extent of my ability to aid in having our Government occupy. What the future has in store no man knows, but I think we ought to brace ourselves against the strong tendency which will now arise to become a partisan in the war. Whatever our individual sympathies may be as citizens we ought not to permit our individual views to direct our Government along other than these lines. I think it not only the position which we should occupy in the interest of our own people and for their peace and happiness but it is the position which we ought to occupy for the ultimate influence which we may hope to exercise in the final adjustment of this conflict. I agree not at all with those who would have this Government take up at once the cause of the allies.

As I understand, the President's sole object and purpose was to maintain and retain the position of a neutral in this controversy and to defend alone neutral rights, and that is the position which I understand him to occupy and to intend to occupy to the conclusion, and upon that understanding I vote for this resolution indorsing his action severing diplomatic relations. I would vote just as quickly to indorse his action in severing diplomatic relations with any power which should put at defiance our undoubted rights as a neutral. If I supposed for a moment that the President was in any instance to be swerved from his attitude heretofore of conducting this Nation along neutral lines, I certainly should under no circumstances give my indorsement to the action which severed our diplomatic relations with Germany.

Mr. President, as I have said, we have professed to be neutral from the beginning. I am not going to discuss now whether or not we have in all instances been neutral, but I want to record my conviction that when we have deviated, if we have deviated at all, from the line of neutrality, we have made a regrettable mistake. If we should in the future, notwithstanding we may have a controversy with one side or the other, fail to occupy that position and to insist upon the maintenance of neutral rights, regardless of who challenges them, and to insist upon our rights under international law regardless of who inveighs against them, we shall have taken a step that the people of this country will not approve and ought not to approve. Let us have our position clearly understood that we have and can have no controversy with either side except for these reasons and purposes.

Mr. President, I appreciate—I hope to some extent at least—the conditions which will be presented to the world at the close of this war. The loss of life in the field and in the hospitals, the broken families, the maimed and impoverished, the depletion of credits, and the destruction of property—even these are not all there is to this war. After that comes the bitterness and the hate, smoldering on through the decades, the demoralization of men's faith in the obligations of treaties, in the ties of international friendship, and even in Christianity itself; for this war is the most pronounced threat to return to barbaric methods and brute force in society and in government since the waves of Islam's fanaticism broke and re-formed and broke again upon the iron nerves and redoubtable valor of Charles Martel's men at Tours. Its deadening, discouraging, disintegrating effect upon all the vital ties and moral ligaments which bind society together, upon all that the human family cherishes and loves, beggars description. But the era of rehabilitation and regeneration, nevertheless, is to come. That long, patient, dreary task is before the world and must be met. I do not want to see my country seek either to ignore the task or to avoid its portion of the burden. I want it to be prompt with its good offices, its counsel, its sympathy, its patience, its tolerance, with its wealth, its means, both spiritual and material, to help in every way to bind up the wounds of the nations and "to do all which

may help to achieve a just and lasting peace." But, sir, I want this and all that it may do to be done as a great neutral Christian nation, drawing from the situation and from the task performed no recompense in the way of promised assistance in the future and incurring no obligation save that which we owe to justice and humanity. I want no alliances, no leagues, no entanglements. I want this Nation to stand alone, except those who voluntarily stand with it, in this crash of nations, firm in its purpose to uphold international law, supporting with all its influence international morality, conserving to the utmost of its powers that influence and prestige which will enable it to serve and counsel in the day of reconciliation and readjustment. What this passion-torn world needs and will need are not more leagues and alliances, but a great untrammelled, courageous neutral power, representing, not bias, not prejudice, not hate, not conflict, but order and law and justice. For these things we have stood for nearly a hundred and fifty years, and our influence has been of incalculable worth to mankind; for these things let us continue to stand, and the time will come in this very world crisis when we may serve all who recognize that our purposes and our policies are just and righteous altogether.

The VICE PRESIDENT. The question is on agreeing to the resolution. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]; but understanding that if present he would vote as I intend to vote, I feel at liberty to vote and vote "yea."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON], but as this is not a partisan question, though a grave one, I feel at liberty to vote and vote "nay."

Mr. JONES (when his name was called). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness. I agreed to pair with him for the day. I understand, however, that if present he would vote as I am about to vote on this question. Therefore I feel at liberty to vote and vote "yea."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], who is absent. I understand that if present he would vote as I shall vote. I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from Virginia [Mr. SWANSON] and vote "yea."

The roll call was concluded.

Mr. POMERENE. I have been requested to announce that the senior Senator from Indiana [Mr. KERN] is detained on account of illness. If he were present, he would vote "yea."

Mr. REED. I desire to announce that the Senator from Oklahoma [Mr. GORE] is detained by illness, and that for some four weeks he has been confined to his room and his bed. I make this announcement in order that his absence during the past as well as his absence on this vote may be understood.

Mr. RANDELL. I desire to announce the unavoidable absence of my colleague [Mr. BROUSSARD] on account of illness. If present, he would vote "yea."

Mr. ASHURST. I rise to announce that my colleague [Mr. SMITH of Arizona] is unavoidably absent and that if he were present he would vote "yea."

Mr. HUGHES. I desire to announce the unavoidable absence of the senior Senator from Maine [Mr. JOHNSON], who is out of the city. If present, he would vote "yea."

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATTON] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. CURTIS. I have been requested to announce the absence of the senior Senator from Vermont [Mr. DILLINGHAM], on account of illness. If present, he would vote "yea."

The result was announced—yeas 78, nays 5, as follows:

YEAS—78.

Ashurst	Fernald	Lodge	Polindexter
Beckham	Fletcher	McCumber	Pomerene
Borah	Gallinger	McLean	Ransdell
Brady	Harding	Martin, Va.	Reed
Brandegge	Hardwick	Martine, N. J.	Robinson
Bryan	Hitchcock	Myers	Saulsbury
Chamberlain	Hollis	Nelson	Shafroth
Chilton	Hughes	Newlands	Sheppard
Clapp	Husting	Norris	Sherman
Clark	James	Oliver	Shields
Colt	Johnson, S. Dak.	Overman	Simmons
Culberson	Jones	Owen	Smith, Ga.
Cummins	Kenyon	Page	Smith, Md.
Curtis	Lee, Md.	Penrose	Smith, Mich.
du Pont	Lewis	Phelan	Smith, S. C.
Fall	Lippitt	Pittman	Smoot

Sterling
Stone
Sutherland
Thomas

Thompson
Tillman
Townsend
Underwood

Wadsworth
Walsh
Warren
Watson

Weeks
Williams

NAYS—5.

Gronna
Kirby

La Follette

Vardaman

Works

NOT VOTING—13.

Bankhead
Broussard
Catron
Dillingham

Goff
Gore
Johnson, Me.
Kern

Lane
Lea, Tenn.
O'Gorman
Smith, Ariz.

Swanson

So Mr. STONE's resolution was agreed to.

Mr. LA FOLLETTE. Mr. President, I intended to have taken some part in the discussion upon the resolution which has just been agreed to. Matters transpiring in the debate led me to desire to procure from my committee room certain of the diplomatic correspondence with the belligerent governments, and I had gone to my committee room to secure the documents when the vote was rung in. I desire to say now that at an early date, and upon an occasion quite as pertinent to the issues involved as the resolution which has just been pending I shall say what I expected to say to-day.

The VICE PRESIDENT. The Senator from Wisconsin has said that the vote was "rung in." The Chair would like to know if the Senator from Wisconsin is making any charge against the Chair?

Mr. LA FOLLETTE. Why, most assuredly not, Mr. President. There was no occasion, I think, for the Chair or anybody else to understand anything of the kind. I had left the Chamber while one of the Senators was speaking to procure some documents from my room, and while I was absent from the Chamber the vote was rung in. I returned as soon as I could, but, of course, the vote was being taken.

The VICE PRESIDENT. The Chair wants it understood that the Chair has never ordered a vote as long as the Chair has had any information that any Senator wanted to speak. The Chair was not aware of the fact that the Senator from Wisconsin desired to speak.

Mr. LA FOLLETTE. Why, of course the Chair was not, because I had not yet addressed the Chair, and there was no occasion for any misunderstanding.

Mr. JAMES. The Senator used the words "rung in." The bell was rung for the vote, and that is what I understand the Senator to mean by the expression.

AGRICULTURAL APPROPRIATIONS.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of the agricultural appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

PROPOSED EVENING SESSION.

Mr. CHILTON. I move that at not later than 6 o'clock the Senate take a recess until 8 o'clock this evening.

Mr. SMOOT. Mr. President, I could not hear what the motion was.

SEVERAL SENATORS. What is the motion? We are unable to hear it.

The VICE PRESIDENT. The Chair is totally unable to make Senators take their seats and listen to what is going on in the Senate. The Chair is not the Sergeant at Arms and can not do that. If the Senate will not be in order, the Chair can not help it.

Mr. CHILTON. I move that at not later than 6 o'clock the Senate take a recess until 8 o'clock this evening.

The VICE PRESIDENT. The question is on the motion of the Senator from West Virginia. [Putting the question.] By the sound the noes seem to have it.

Mr. CHILTON. I ask for the yeas and nays on the motion. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES (when his name was called). Making the same announcement that I made a little while ago with reference to my pair with the junior Senator from Virginia [Mr. SWANSON], I withhold my vote.

Mr. SAULSBURY (when his name was called). Has the junior Senator from Rhode Island [Mr. COLT] voted?

The VICE PRESIDENT. He has not.

Mr. SAULSBURY. I transfer my pair as stated to the senior Senator from Indiana [Mr. KERN] and vote "yea."

Mr. SMITH of Maryland (when his name was called). I am paired with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

The roll call was concluded.

Mr. GRONNA. I transfer my general pair with the senior Senator from Maine [Mr. JOHNSON] to the Senator from California [Mr. WORKS] and vote "yea."

Mr. GALLINGER (after having voted in the negative). Since voting I observe that the Senator from New York [Mr. O'GORMAN], with whom I am paired, is absent. I transfer my pair to the junior Senator from Maine [Mr. FERNALD] and allow my vote to stand.

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. WALSH (after having voted in the affirmative). I observe by the recapitulation that the Senator from Rhode Island [Mr. LIPPITT] has not voted. I am paired with that Senator and therefore withdraw my vote.

The result was announced—yeas 21, nays 47, as follows:

YEAS—21.

Chamberlain
Chilton
Fletcher
Hardwick
Hollis
Hughes

Husting
James
Lee, Md.
Lewis
Martin, Va.
Overman

Owen
Pomerene
Saulsbury
Sheppard
Simmons
Stone

Thompson
Vardaman
Williams

NAYS—47.

Beckham
Borah
Brady
Brandegee
Bryan
Clapp
Clark
Cummins
Curtis
du Pont
Fall
Gallinger

Gronna
Harding
Johnson, S. Dak.
Kenyon
Kirby
Lane
Lodge
McCumber
McLean
Martine, N. J.
Nelson
Norris

Oliver
Page
Penrose
Phelan
Pittman
Poindexter
Robinson
Shafroth
Sherman
Shields
Smith, Ga.
Smith, Mich.

Smith, S. C.
Smoot
Sterling
Sutherland
Thomas
Townsend
Underwood
Wadsworth
Warren
Watson
Weeks

NOT VOTING—28.

Ashurst
Bankhead
Broussard
Catron
Colt
Cullerson
Dillingham

Fernald
Goff
Gore
Hitchcock
Johnson, Me.
Jones
Kern

La Follette
Lea, Tenn.
Lippitt
Myers
Newlands
O'Gorman
Ransdell

Reed
Smith, Ariz.
Smith, Md.
Swanson
Tillman
Walsh
Works

So the Senate refused to take a recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed the following bills:

S. 5082. An act adding certain lands to the Missoula National Forest, Mont.;

S. 7779. An act to authorize the change of name of the steamer *Frank H. Peavey* to *William A. Reiss*;

S. 7780. An act to authorize the change of name of the steamer *Frank T. Heffelfinger* to *Clemens A. Reiss*;

S. 7781. An act to authorize the change of name of the steamer *George W. Peavey* to *Richard J. Reiss*; and

S. 7782. An act to authorize the change of name of the steamer *Frederick B. Wells* to *Otto M. Reiss*.

The message also announced that the House had passed the bill (S. 135) for the restoration of annuities to the Medawakan-ton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1061) to allow additional entries under the enlarged homestead act, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3699) to donate to the city of St. Augustine, Fla., for park purposes, the tract of land known as the powder-house lot, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 5424) to construct a bridge in San Juan County, State of New Mexico, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H. R. 11150) for the relief of mail contractors.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 17055. An act providing when patents shall issue to the purchaser or heirs on certain lands in the State of Oregon;

H. R. 17814. An act to transfer Early County from the western division of the northern district of Georgia to the Albany division of the southern district of Georgia; and

H. R. 20082. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 18181) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL of Missouri, and Mr. LANGLEY managers at the conference on the part of the House.

The message also announced that the Speaker of the House had appointed in accordance with the resolution of the Senate (S. Con. Res. 30) Mr. RUCKER of Missouri and Mr. MAPES tellers on the part of the House.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

S. 7963. An act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes; and

H. J. Res. 358. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1917, etc.

ADDITIONAL PETITIONS AND MEMORIALS.

Mr. McLEAN presented a petition of the Connecticut State Branch of the Congressional Union for Woman Suffrage, praying for the adoption of an amendment to the Constitution to grant the right of suffrage to women, which was ordered to lie on the table.

He also presented a memorial of the Manufacturers' Association of Hartford County, Conn., remonstrating against the taxing of net incomes of corporations in excess of 8 per cent, which was referred to the Committee on Finance.

He also presented a petition of the school committee of the city of New Britain, Conn., praying for Federal aid for vocational education, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Connecticut, praying for national prohibition, which were ordered to lie on the table.

Mr. COLT presented a telegram in the nature of a petition from the faculty of St. George's School, Newport, R. I., favoring the action of the President of the United States in behalf of American rights, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Rhode Island, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. THOMAS. I present a joint memorial of the Legislature of Colorado for the protection and maintenance of the oil industries of the State of Colorado, and I ask that it may be printed in the RECORD.

There being no objection, the joint memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

STATE OF COLORADO,
OFFICE OF THE SECRETARY OF STATE.
UNITED STATES OF AMERICA,
State of Colorado, ss:

CERTIFICATE.

I, James R. Noland, secretary of state of the State of Colorado, do hereby certify that the annexed is a full, true, and complete transcript of senate concurrent resolution No. 4, by Senator Napier, senate joint memorial for the protection and maintenance of the oil industries of the State of Colorado, which was filed in this office the 3d day of February, A. D. 1917, at 11:18 o'clock a. m.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado at the city of Denver this 3d day of February, A. D. 1917.

[SEAL.]

JAMES R. NOLAND,
Secretary of State.
By FLOYD FAIRHURST,
Deputy.

Senate concurrent resolution No. 4. (By Senator Napier.)

Senate joint memorial for the protection and maintenance of the oil industries of the State of Colorado.

Be it resolved by the Senate of the State of Colorado (the house of representatives concurring), That—

Whereas hundreds of citizens of this State have taken oil-placer claims under the oil-placer mining act and have complied with the law in good faith by doing the assessment work required to hold and develop said claims; and

Whereas in many cases these lands have been located and held by prospectors, who have expended their time and money for many years in trying to hold and develop these oil-placer claims until the conditions and demand for the product would make it possible to operate the same; and

Whereas these lands were located and held under the only law that made it possible for the prospector for oil or gas to acquire the same; and

Whereas these locations were made in good faith and held by the locators before any withdrawal of said lands was made or even contemplated by the Government; and

Whereas there is now before Congress a bill known as the Ferris-Phelan bill, H. R. 406, providing for the leasing of all oil and gas lands on the public domain; and

Whereas lands which have not been withdrawn are affected by said leasing bill in such a way as to jeopardize existing claims of present bona fide locators: Therefore be it

Resolved, That the Congress of the United States be memorialized to amend said leasing bill to give to all locators and assigns who have held the land in good faith and have complied with the oil-placer mining law the preferential right to lease the same on the same terms that may be required from any other applicant, and claims of original locators or assigns having perfected discoveries under the oil-placer mining law as recognized by State courts to be exempt from being compelled to lease such lands from the Government or pay a royalty burden: Be it further

Resolved, That a copy of this memorial be sent to the Hon. CHARLES S. THOMAS, Hon. JOHN F. SHAFROTH, Hon. ED. T. TAYLOR, Hon. EDWARD KEATING, Hon. BEN HILLIARD, and the Hon. C. B. TIMBERLAKE, asking their aid in carrying out the object of this resolution.

Approved by the governor February 2, 1917, at 5:05 p. m.

JULIUS C. GUNTER,
Governor of the State of Colorado.
JAS. A. PULLIAM,
President of the Senate.
BOON BEST,
Speaker of the House.

Approved February 1, 1917, at 11:30 a. m.

[Indorsed.]

Filed in the office of the secretary of state of the State of Colorado on the 3d day of February, A. D. 1917, at 11:18 o'clock a. m. Recorded in book —, page —.

JAMES R. NOLAND,
Secretary of State.
By FLOYD FAIRHURST,
Deputy.
HUMPHREY FEES,
Filing Clerk.

Mr. VARDAMAN. I present a telegram from citizens of Jackson, Miss., relative to the pending emergency revenue bill, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

[Telegram.]

JACKSON, MISS., February 6, 1917.

Hon. J. K. VARDAMAN,
Washington, D. C.:

The proposed Federal emergency revenue measure ignores fact that mutual life insurance companies are without capital stock and are not operated for profit, but grant insurance protection to policyholders at lowest net cost. We ask your cooperation in exempting mutual life insurance companies from provisions of pending bill.

E. L. Ragland, J. B. Stirling, J. M. Hartfield, R. M. Taylor, W. H. Watkins, H. V. Watkins, Wade Humphreys, Z. D. Davis, W. E. Mallett, D. B. Homes, C. O. Wilkens, E. H. Bradshaw, George C. Swearingen, A. Varden, A. Robert Mills, E. K. Middleton, and others.

Mr. NELSON presented memorials of sundry citizens of Minnesota remonstrating against the proposed increase of tax on industrial insurance, which were referred to the Committee on Finance.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. BECKHAM, from the Committee on Military Affairs, to which was referred the bill (S. 7906) to authorize the President of the United States, by and with the advice and consent of the Senate, to appoint George L. Morrison captain of Cavalry, to take rank as such next after Capt. James A. Mars, reported it with amendments and submitted a report (No. 1012) thereon.

He also, from the same committee, to which were referred the following bills, reported adversely thereon:

S. 6638. A bill for the relief of James S. Huntington; and
S. 7071. A bill for the relief of William M. Johnston.

RELIEF OF RUTHENIANS.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably without amendment the joint resolution (S. J. Res. 201) requesting the President of the United States to designate and appoint a day on which funds may be raised for the relief of the Ruthenians (Ukrainians), and I submit a report (No. 1013) thereon. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Requesting the President of the United States to designate and appoint a day on which funds may be raised for the relief of the Ruthenians (Ukrainians).

Whereas in the countries situated in the eastern part of Europe, the theater of devastating war, there are at least 1,000,000 of Ruthenians (Ukrainians) in dire need of food, clothing, and shelter; and Whereas hundreds of thousands of these people have been forced to abandon their homes and their property, and being deprived of all opportunity to provide even for their most elementary wants have undergone disease, starvation, and indescribable suffering; and

Whereas the people of the United States of America have learned with sorrow of this terrible plight of great numbers of their fellow beings and have most generously responded to the appeal of humanity for assistance whenever such appeal has reached them: Therefore be it

Resolved, etc., That in view of the wretchedness, misery, and privation which these people are enduring, the President of the United States be respectfully requested to designate and appoint a day on which the citizens of this country may give expression to their sympathy by contributing to the funds now being raised for the relief of the Ruthenians (Ukrainians) in the belligerent countries.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McLEAN:

A bill (S. 8162) granting an increase of pension to Henry A. Dayton (with accompanying papers);

A bill (S. 8163) granting an increase of pension to Amos Dickinson (with accompanying papers); and

A bill (S. 8164) granting an increase of pension to Robert Liddell (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 8165) to prohibit concerted control of fire insurance rates in the District of Columbia; to the Committee on the Judiciary.

A bill (S. 8166) granting an increase of pension to Malinda K. McGowen (with accompanying papers); and

A bill (S. 8167) granting an increase of pension to Phebe T. Schonhoff (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 8168) to amend an act entitled "An act to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States, with its Territories and possessions, and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States, and for other purposes," approved September 7, 1916, and for other purposes; to the Committee on Commerce.

By Mr. REED:

A bill (S. 8169) to purchase a site for the erection of a post-office building in the city of Fredericktown, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. OWEN:

A bill (S. 8170) to provide for the cost of improving and completing the United States post office and courthouse at Guthrie, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. CHILTON:

A bill (S. 8171) granting an increase of pension to Victoria Coffman (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 8172) granting an increase of pension to Josiah H. H. Feather (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of South Carolina:

A joint resolution (S. J. Res. 208) to grant citizenship to Joseph Beech; to the Committee on Immigration.

THE REVENUE.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. REED submitted an amendment proposing to appropriate \$50,000 to enable the Secretary of Agriculture to estab-

lish and maintain horticultural experiment stations in the Mississippi Valley, to be located in the principal grape-growing States of Missouri, Ohio, Arkansas, and Michigan, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was ordered to lie on the table and be printed.

Mr. PENROSE submitted an amendment authorizing the President to appoint and place on the retired list of the Army with the rank of major general any officer on the retired list who served not less than one year in the Regular or Volunteer forces of the United States during the Civil War prior to April 9, 1865, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions.

On February 3, 1917:

S. J. Res. 202. Joint resolution to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 5, 1917.

On February 6, 1917:

S. J. Res. 203. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1917;

S. 7537. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegany, county of Cattaraugus, N. Y.; and

S. 8090. An act granting the consent of Congress to Washington-Newport News Short Line, a corporation, to construct a bridge across the Potomac River.

COMMISSION ON NAVY YARDS AND NAVAL STATIONS.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, report No. 2 of the Commission on Navy Yards and Naval Stations.

The attention of the Congress is especially called to the request and recommendation that certain portions of the report and appendices should not be made public.

WOODROW WILSON.

The WHITE HOUSE, February 7, 1917.

The VICE PRESIDENT. The message will be referred to the Committee on Naval Affairs and the report accompanying the message will be referred to the Committee on Naval Affairs in confidence and without printing.

ANNUITIES TO SIOUX INDIANS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

Mr. CLAPP. I move that the Senate disagree to the amendment of the House, request a conference with the House on the bill and amendment, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP conferees on the part of the Senate.

LAND AT ST. AUGUSTINE, FLA.

The VICE PRESIDENT laid before the Senate the amendment of the House to the bill (S. 3699) to donate to the city of St. Augustine, Fla., for park purposes, the tract of land known as the powder-house lot, which was, on page 2, line 3, after "purposes," to insert "or whenever the Secretary of War may determine that the use of said grounds is necessary for Government purposes."

Mr. FLETCHER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ENLARGED HOMESTEAD.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1061) to allow additional entries under the enlarged homestead act, which was, on page 1, line 8, after "nine," to insert "and an

act of June 17, 1910, entitled 'An act to provide for an enlarged homestead.'

Mr. PITTMAN. I am informed that the Senator from Montana [Mr. MYERS] desires that the Senate concur in the amendment of the House, and I make that motion.

The motion was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18181) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HUGHES. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

Mr. PENROSE. Mr. President, I rise to an inquiry. What do "and so forth," as the Clerk reads the report from the House of Representatives, and the constantly recurring phraseology "with certain amendments" mean? I think the Senate is entitled to have these messages read at length, and I object, and many other Senators, I want to say, on this side of the Chamber object, and I voice an undercurrent of criticism of the liberties taken at the desk with messages and other communications. I hope hereafter the procedure will be orderly and regular, and that messages will be read without comment from the clerks or without interpolation of phraseology not contained in the documents.

HOUSE BILLS REFERRED.

H. R. 17055. An act providing when patents shall issue to the purchaser or heirs on certain lands in the State of Oregon was read twice by its title and referred to the Committee on Public Lands.

H. R. 17814. An act to transfer Early County from the western division of the northern district of Georgia to the Albany division of the southern district of Georgia was read twice by its title and referred to the Committee on the Judiciary.

H. R. 20082. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, was read twice by its title and referred to the Committee on Finance.

AGRICULTURAL APPROPRIATIONS.

Mr. SMITH of South Carolina. I ask that the unfinished business be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

Mr. SMITH of South Carolina. I ask the Secretary to state the amendment which was pending when the bill was laid aside yesterday. I think it was the amendment proposed by the Senator from Idaho [Mr. BRADY].

Mr. BRADY. On page 63, line 6, I wish to offer the following amendment:

Provided, That in the sale or rental of films educational institutions or associations for agricultural education not organized for profit shall have preference.

I may say that the original clause—

Mr. VARDAMAN. I suggest that the Secretary read the amendment. We could not hear the Senator as he read it.

Mr. BRADY. I will be glad to have the Secretary read the amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 63, line 6, after the word "films," at the end of the line insert:

Provided, That in the sale or rental of films educational institutions or associations for agricultural education not organized for profit shall have preference.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment of the committee?

Mr. VARDAMAN. Will the Senator from Idaho state the purpose of the amendment?

Mr. BRADY. The original paragraph reads as follows:

For photographic equipment and photographic material and artists' tools and supplies, \$17,000: *Provided*, That the Secretary of Agriculture is authorized, under such rules and regulations and subject to such conditions as he may prescribe, to loan, rent, or sell copies of films to educational institutions or associations for agricultural education not organized for profit.

The committee decided to strike out after the word "films," in line 6, the words "to educational institutions or associations for agricultural education not organized for profit," so that it would permit them to sell them only to outside firms. I believe that is a wise provision, with the exception that I am satisfied educational institutions organized for agricultural purposes should have preference. It does not prevent the sale to other institutions or firms at all.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PAGE. I wish to offer an amendment.

Mr. SMITH of South Carolina. Will the Senator yield to me for just a moment. I have overlooked the fact that there is a committee amendment which has not yet been disposed of. It is the seed-distribution proposition. I should like to have it now disposed of and that will be a disposition of all the committee amendments.

Mr. LODGE. Mr. President—

Mr. PAGE. I do not yield the floor.

Mr. LODGE. I wish to ask the Senator from South Carolina, before we recur to the committee amendments, which, of course, he has a right to do, to allow me to offer an amendment as I am obliged to leave the Chamber.

The VICE PRESIDENT. The Senator from Vermont has the floor.

Mr. PAGE. I hope the Senator will allow me to offer my amendment now. It is very brief, indeed.

The VICE PRESIDENT. The amendment submitted by the Senator from Vermont will be stated.

The SECRETARY. On page 14, after the word "purposes," the first word in line 7, insert a comma and the words:

And \$15,000 for the purchase of lands in the vicinity of the Morgan horse farm near Middlebury, Vt.

Mr. PAGE. Mr. President, when this amendment was before the Committee on Agriculture and Forestry one of our members stated he thought this would be a new and dangerous innovation, a precedent which we ought not to establish because he said the additions to experiment stations in the different States had usually been paid for by the States themselves. Upon investigation I found that this is a mistake, that there are numerous precedents for action of this kind. I wrote to the department asking for a statement in regard to the matter and here is their reply which I wish to read:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., February 2, 1917.

HON. CARROLL S. PAGE,
United States Senate.

DEAR SENATOR PAGE: Referring to your request to Mr. Rommel by telephone this morning for information concerning the purchase of land for the benefit of this bureau for experimental or quarantine purposes, permit me to give you the following information:

Experiment Station, Bureau of Animal Industry, Bethesda, Md.: This is the station where the principal part of the veterinary experimental work with animals is carried on. The original farm of 20 acres was bought July 5, 1899, at a cost of \$20,000. An additional 30 acres was bought August 11, 1902, at a cost of \$10,000. In view of the fact that it was found necessary to have similar facilities for carrying on field laboratory experiments and investigations in animal husbandry and dairying near Washington, Congress was petitioned to appropriate for the purchase of additional land, and under congressional authority the department bought the experimental farm of the Bureau of Animal Industry near Beltsville, Prince Georges County, Md. This consists of 475 acres. It was bought January 30, 1910, at a cost of \$25,000.

The bureau maintains three quarantine stations on the Atlantic seaboard, all bought under congressional authority. The appropriation bill for the fiscal year 1901 authorized the expenditure of \$50,000 to purchase and maintain quarantine stations. Under this authority the quarantine station at Athenia, N. J., was established. In 1904 \$4,000 was made available for the purchase of additional land at Athenia. The total acreage there is now 50 acres.

In the same year Congress appropriated \$10,000 for the purchase of land for a quarantine station of the bureau at or near the port of Baltimore. Under this authority the quarantine station at Turner, Md., was established.

In 1909, under congressional authority, the bureau purchased 31 acres of land at Littleton, Mass., near the port of Boston, at a cost of \$4,000. Trusting that this is the information which you wish, I am,

Very truly, yours,

A. D. MELVIN,
Chief of Bureau.

Mr. SMITH of South Carolina. If the Senator will allow me, I find that that amount has been estimated for. As far as I am concerned I am willing to accept the amendment.

Mr. PAGE. Very well.

The amendment was agreed to.

Mr. LODGE. If the Senator from South Carolina will allow me, I should like to offer at this time an amendment on page 69, after the word "elsewhere," in line 9, to insert "demonstration of boys' and girls' clubs at dairy exposition at Springfield, Mass.," and then, on line 10, to change the total amount from "\$578,240" to "\$593,240," adding \$15,000.

Mr. SMITH of South Carolina. I shall have to make a point of order against the amendment in that it is new matter and has not been estimated for.

Mr. LODGE. Of course, I am sorry the Senator from South Carolina feels bound to make a point of order, but I am aware that if it is made I am unable to resist it.

The VICE PRESIDENT. If it is an appropriation not estimated for and not reported by a standing committee, the point of order is sustained.

Mr. PHELAN. I desire to submit an amendment.

Mr. SMITH of South Carolina. I will ask the Senator to withhold that until we dispose of the last two committee amendments. One was pending at the time the Senate took a recess yesterday. I ask that it be taken up and disposed of. It is on page 27, "Purchase and distribution of valuable seeds." The House adopted the provision and sent it here, and, as I said when the matter was under consideration yesterday, I was not present when the committee took action upon it. It is not necessary for me to repeat what I said yesterday. I believe that this is one of the most important items in the bill. There are right now requisitions from all over the country, especially from that part of the country where droughts occurred during the last year to such an extent as to destroy all seed locally. I wish to say a few words as to this talk about its being a graft, and then I shall have no more to say and let the Senate take what action it sees fit.

The people of this country understand that this is the policy of the Government, and it makes no difference who may be elected to the other House or to the Senate, that this policy will be adhered to, and that they will receive whatever seed the Government has for distribution in the natural order of things. I do not believe that there is a more helpful provision in all this bill than the Government distribution of garden, field, and flower seed. There is not a single institution of learning in the rural districts of which I know in my State that is not asking for flower seed, thereby beautifying the landscape and cultivating the æsthetic taste of the children by the planting of such seed, and in a thousand little gardens the people are using the seed to benefit themselves. I hope the Senate will restore this item.

Mr. KENYON. Mr. President, I should like to ask the acting chairman of the committee if he is speaking only for himself in this request and not for the committee?

Mr. SMITH of South Carolina. I am speaking only for myself, as I said at the commencement of my remarks. I was not present, as the Senator from Iowa, who is a member of the committee, knows. Had I been present, I should have reserved the right that I am now taking to object to the action of the committee. I do not want the Senate even to feel that in my position as acting chairman of the committee I am carrying any other weight on the committee save my personal opinion about this matter.

Mr. GALLINGER. Mr. President, before saying a word in opposition to the amendment of the committee, I am going to take the liberty to sound a warning to both sides of the Chamber regarding the present status of the legislation of this session.

The pending appropriation bill has been before the Senate a long time and there are 11 great appropriation bills not yet reported to the Senate. The District of Columbia appropriation bill is ready for presentation, the other great appropriation bills are coming along rapidly, and the revenue bill has yet to be considered. My admonition is—it is not worth much, I understand, but I am going to take the liberty of saying a word along that line notwithstanding—my admonition is that unless we get down to work and throw aside all extraneous matters, including contests over nominations, we are not going to complete the program of even passing the supply bills between now and the 4th day of March. There are only 21 or 22 days remaining to us, and Senators know how rapidly the days pass when we are engaged in controversial matters.

While I have no responsibility at all in this matter, I speak to my associates on this side of the Chamber as well as to my friends on the other side when I say that there is danger that even the supply bills will not be passed by the time this session concludes.

Now, Mr. President, a single word as to the pending amendment. I am not going to argue it at any considerable length. I have said every year when this matter has been before the Senate that I think it a very great mistake for the Senate to strike out this appropriation. I concur in every word that the Senator from South Carolina [Mr. SMITH] has said as to the value of this appropriation to the people of this country. I am now sending the seeds that are accredited to me to institutions of learning in New Hampshire, largely to the high schools and the graded schools. I am getting letters so numerous along

that line that I shall not be able perhaps to fill all of the requisitions. In addition to that I have sent a very large number of seeds to individual men and women who have written me asking for them.

I will repeat what I have said on more than one occasion, that this is a matter that can be laughed at, or scorned perhaps, but nevertheless if Senators living in rural districts or having little homes in rural towns, as I chance to have, will take the trouble to inquire of the farmers as to whether or not they are having better gardens, or as to whether or not they are having gardens under this distribution of seeds when they would not have any gardens unless these seeds were sent to them, they will find what I have found, that a tremendous amount of good comes to the people of the rural districts because of this comparatively small expenditure.

This day, Mr. President, of high prices, of scarcity of food products, when every foot of land in this country that can be tilled ought to be tilled, when every available vacant lot in every town and city ought to be cultivated for the purpose of increasing the food supply of the American people, is a bad time for us to deny to the farmers, as well as to those living in urban communities, this little patrimony of the Government.

Mr. President, it is a foregone conclusion that the people want this thing; that the people ask for it; and even if the Senate strikes out the provision, I think I can safely indulge in the prophecy that it will reappear in this bill, and that it will become a law. But, however that may be, we ought not to strike it from the bill.

Mr. President, having warned the Senate of the value of time, I am not going to be guilty myself of occupying any unnecessary time in discussing this question. I shall content myself with voting against the committee amendment, and I trust the Senate will vote the committee amendment down.

Mr. VARDAMAN. Mr. President, I rise to indorse what the distinguished Senator from New Hampshire [Mr. GALLINGER] has said with reference to the value placed upon these seeds by the country people. I want also to express my agreement with the Senator with reference to his comments upon the necessity of economizing time. A number of supply bills will be here for consideration in a very short while, and they are going to carry enormous sums. When we realize the fact that the heaviest part of the burden to be put upon the American people by the appropriations carried in those bills will fall upon the people—the farmers—who are given this slight benefaction, I do not think that Congress ought to hesitate to restore this provision of the bill, which was placed there by the House of Representatives. The people pay the taxes and they want the seed, if I am to judge by the letters I receive from the people and the applications that come to my office for these seeds.

I have heard it said in derision here on the floor of the Senate that Senators have received letters from constituents who say, "Cut out free seeds." I myself have received one or two such foolish letters; but if the Agricultural Department is doing its duty, it is selecting and distributing among the people the very best seeds obtainable, seeds that have been tested, seeds that have been developed, and which will bring, when planted and properly cultivated, the largest possible yield from the land.

I do not see why this matter should be a subject of controversy every year. I can account for it upon one theory, and one only, and that is lack of information or, perhaps, misinformation on the subject. It may be that the constituents of a few Senators and Representatives from the urban districts have no use for the seeds, but I know, from actual experience and observation, that the people of my State desire them, and I hope that the amendment of the committee may be rejected.

Mr. WADSWORTH. Mr. President, I very much hope that the amendment of the committee will not be defeated. I do not intend to indulge in any sharp epithets with respect to the practice of distributing seeds or to use any harsh language or any particular amount of ridicule directed toward the custom.

I have been interested in hearing what Senators have said upon the floor as to the great desire of the farmers of this country to have these seeds given to them. Permit me to say that I myself live in the heart of a farming district, every one of my neighbors being an agriculturist, and it has yet to come to my attention that there is any great and legitimate demand for a package of garden seeds from the average farmer of the United States. At best these seeds must be distributed over such an enormous area and to such a vast number of people, if the thing is to be done fairly, as to prevent any one person on the list of recipients of seeds deriving any benefit worthy of the name. At most, if they are distributed evenly and fairly, it would amount to about one package apiece, worth approximately 5 cents.

Now, Mr. President, so far as the argument is directed toward the rarity and value of these seeds, permit me to say that they are not rare or valuable in any sense whatsoever. They are seeds in common use all over the country in a commercial sense. The Government itself purchases the seeds from contractors or on contract with commercial seedsmen. There is nothing strange or new in the manner of planting them or growing them. There has grown up from the custom without doubt in some communities a disposition to regard this distribution of seeds as the extension of a favor, showing that the recipient is not forgotten at the seat of government; but to contend that they are of the slightest economic value to the development of agriculture in the United States is stretching the matter so far that I can not command words to describe it.

Mr. KENYON. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Iowa?

Mr. WADSWORTH. Certainly.

Mr. KENYON. Does not the Senator realize that there is great force in the argument made here to-day that it is necessary to have these seeds in order to decorate the country schoolhouses with lilacs, sunflowers, and forget-me-nots?

Mr. WADSWORTH. I suppose, if we confined the distribution of seeds to the country schoolhouses and other educational institutions, and made the distribution evenly and thoroughly, that the country schoolhouse or educational institution would receive about 25 cents' worth of seeds annually.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I do not want to be misrepresented about this matter. I presume my remarks are what called forth the interrogatory on the part of the Senator from Iowa, but what I said was that there was a demand on the part of educational institutions in my State—high schools and, to some extent, graded schools and academies—for these seeds; that the children were taking the seeds and planting them, and in that way developing a love for that kind of work, which is desirable, besides making some contribution to the food supply of our people. That is what I said, and it is true, so far as New Hampshire is concerned. I can not speak for Iowa or for New York.

Mr. WADSWORTH. Mr. President, of course I have the greatest respect for the opinion of the Senator from New Hampshire, but I do think, in all frankness, that it is stretching pretty far to argue that the distribution of these seeds contributes to the food supply of the United States. It is impossible, in my judgment, that that should be so. It may be that in some States the matter is taken seriously, but certainly in the agricultural regions with which I am somewhat familiar—and I have spent my life in one—the distribution of these seeds is regarded as somewhat in the nature of a joke. I have seen in the home office of a Representative sack after sack filled with packages of seeds, with the open notice and advertisement to the entire community that anybody who wished to come in and get a package could do so at his leisure and pleasure; and at the end of the planting season three-quarters of them were left. In that section the people really do not desire them.

Mr. SMOOT. Mr. President, will the Senator inform the Senate as to the locality where, as he states, the seeds are not asked for, because I assure the Senator that the seeds can be used in other parts of the country, where the people will be very glad to receive them?

Mr. WADSWORTH. In reply to the Senator from Utah, I will say that, so far as my observation goes, the farmers of western New York are not clamoring for these free seeds; and the instance which I have related occurred in that part of the country, which is as typical and as purely an agricultural section as exists anywhere upon this continent.

I know that the indiscriminate distribution of any article of value for nothing necessarily excites the appetite of the recipient, and in the district or the State which is flooded with any article which is given away for nothing, particularly if it comes from the seat of government, you will find the demand for that article is increased. Small as the cost is, comparatively speaking, of this distribution, I think myself that there is a fundamental error and fallacy back of it and under it.

I have opposed, Mr. President, as I shall always oppose, the distribution of any article or articles of value to citizens of the Republic free of charge. It is demoralizing in its effects, and it is not the function of the Government to engage in such operations. One might just as well say that, in order to be fair with the distribution of things of value to the people of the United States, we should send pairs of shoes to urban residents. They are of value and would be appreciated if received, but my observation teaches me, sir, that the average independent, self-respecting farmer does not demand this gratuity, small though it may be, from this great Government, and that if it is once

abolished, if the practice is once given up, we will never hear again any considerable demand for its renewal.

Mr. KENYON. I should like to ask the Senator if he has noticed that one house of the Legislature of Nebraska, which is an agricultural State, has passed a resolution requesting Congress to desist from this practice?

Mr. WADSWORTH. Yes; I listened with great interest to the reading of such a resolution at the Secretary's desk some days ago. I believe there was also such a resolution from the Legislature of North Dakota. I will inquire of the Senator from North Dakota if I am correct as to that?

Mr. GRONNA. The Senator is correct.

Mr. WADSWORTH. That was indicative, at least, that a legislature, composed in large part of representative American farmers, places no faith or reliance in this practice, and has no particular affection for it.

Mr. GRONNA. Mr. President, I dislike very much to oppose anything of which the junior Senator from South Carolina [Mr. SMITH] is in favor, but the committee saw proper to strike out this provision from the bill. Furthermore, Mr. President, it has been stated by the Senator from New York [Mr. WADSWORTH] that I had presented a concurrent resolution adopted by the legislative assembly of my State, protesting against the distribution of free seeds. I do not claim that that represents the will of all the people of my State. I take it that it is impossible for the members of that assembly to know the desire and the will of all the citizens of the State. I wish to say that I have received many requests from my constituents for free seeds, and, as stated by the Senator from New Hampshire [Mr. GALLINGER], I also have received a great many requests from various schools in the State asking for seeds, but the legislative assembly of my State say that they are not only opposed to the free distribution of seeds, but that they are opposed to it for the reason that it is a burden upon the Government in that the distribution of the seeds is carried on by mail, and aggregates, I presume, hundreds of tons. Instead of transporting this class of goods by freight, as ought to be done, the seeds are being shipped through the mails.

It was also urged in that concurrent resolution that the seeds are sent out just at the time when the mails of the country are being weighed, and that the railroad companies are getting an undue advantage, largely from the distribution of the seeds, as well as from the distribution of various periodicals and pamphlets which are being sent out by the Members of Congress.

As I said in the beginning, I am sorry that I have to oppose this provision; but I feel that I am in duty bound to respect the wishes of the people of my State and to vote against it.

Mr. SHAFROTH. Mr. President, I hope the committee amendment will not be adopted. The Senator from New York [Mr. WADSWORTH] has stated that this is a free distribution and that no good comes from it. I believe that great good comes from the distribution even of common seed. There is an evolution going on in nature, by which the planting of seed, even common seed, in different portions of the United States and under different conditions, in different soils and where irrigation exists, sometimes produces a wonderful result. There is no better illustration of that than the Rocky Ford melon, which evidently was a product of a common seed that was planted in very favorable soil, and which grew and has been cultivated and has developed a most wonderful melon.

Mr. WADSWORTH. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from New York?

Mr. SHAFROTH. I yield to the Senator.

Mr. WADSWORTH. May I ask the Senator from Colorado if the Rocky Ford melon is an outgrowth of free seed delivered by the Government?

Mr. SHAFROTH. Oh, we do not know. It is the general distribution that does it. We take these packages and send them all over the United States, having cantaloupe seeds in them. It may have been; I can not tell, but it is evidently the fact that they are scattered over the United States that produces such results. As a matter of fact, take the development of any of the fruits: We know that the peach tree was nothing but a little weed, almost, the fruit of which was bitter, and which by cultivation and development has produced over 500 varieties.

We know that the apple tree came from the original crab tree, and the result was that by cultivation they have produced over 3,800 varieties of apples. Now, when such possibilities exist, it seems to me it is perfectly proper that we should send from one part of the United States to another part of the United States these seeds for the purpose of trying the soil, trying the climate, and trying the conditions under which they might pro-

duce better results. I feel, inasmuch as the expenditure is not a very large one, that the result would justify the expenditure on the part of the Government.

The VICE PRESIDENT. The question is on the committee amendment. [Putting the question.] The Chair is in doubt.

Mr. KENYON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). Announcing my pair with the senior Senator from New York [Mr. O'GORMAN] and transferring it to the junior Senator from Maine [Mr. FERNALD], I vote "nay."

Mr. GRONNA (when his name was called). I transfer my general pair with the senior Senator from Maine [Mr. JOHNSON] to the senior Senator from California [Mr. WORKS] and vote "yea."

Mr. VARDAMAN. Mr. President, may I interrupt the call of the roll long enough to ask the Chair to announce that a vote in the negative is in favor of the distribution of seed? Senators do not seem to understand it.

The Secretary resumed the calling of the roll.

Mr. JONES (when his name was called). I again announce my pair with the junior Senator from Virginia [Mr. SWANSON] and withhold my vote. If at liberty to vote, I would vote "yea."

Mr. SAULSBURY (when his name was called). I make the same transfer as last stated, to the senior Senator from Indiana [Mr. KERN], and vote "nay."

Mr. SMITH of Maryland (when his name was called). I transfer my pair with the senior Senator from Vermont [Mr. DILLINGHAM] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. STONE (when his name was called). Has the senior Senator from Wyoming [Mr. CLARK] voted?

The VICE PRESIDENT. He has not.

Mr. STONE. I transfer my pair with that Senator to the junior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. WADSWORTH (when his name was called). Has the junior Senator from New Hampshire [Mr. HOLLIS] voted?

The VICE PRESIDENT. He has not.

Mr. WADSWORTH. I have a pair with that Senator, which I transfer to the junior Senator from Indiana [Mr. WATSON] and vote "yea."

The roll call was concluded.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. OWEN. I transfer my pair with the junior Senator from New Mexico [Mr. CATRON] to the junior Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. SIMMONS. I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the senior Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. McCUMBER] to the senior Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. FALL. Has the senior Senator from West Virginia [Mr. CHILTON] voted?

The VICE PRESIDENT. He has not.

Mr. FALL. I have a pair with that Senator, and therefore withhold my vote.

Mr. SMITH of South Carolina (after having voted in the negative). I have a pair with the senior Senator from South Dakota [Mr. STERLING]. I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and will allow my vote to stand.

The roll call resulted—yeas 21, nays 26, as follows:

YEAS—21.

Brady	Harding	Oliver	Thompson
Brandagee	Hughes	Page	Townsend
Chamberlain	Kenyon	Sheppard	Wadsworth
Cummins	Lane	Sherman	
Fletcher	Lodge	Sutherland	
Gronna	Norris	Thomas	

NAYS—26.

Bankhead	Overman	Shafroth	Tillman
Gallinger	Owen	Simmons	Underwood
Hustling	Penrose	Smith, Ga.	Vardaman
James	Phelan	Smith, Md.	Warren
Kirby	PoinDEXTER	Smith, S. C.	Williams
Martin, Va.	Robinson	Smoot	
Myers	Saulsbury	Stone	

NOT VOTING—49.

Ashurst	du Pont	Lea, Tenn.	Reed
Beckham	Fall	Lee, Md.	Shields
Borah	Fernald	Lewis	Smith, Ariz.
Broussard	Goff	Lippitt	Smith, Mich.
Bryan	Gore	McCumber	Sterling
Catron	Hardwick	McLean	Swanson
Chilton	Hitchcock	Martine, N. J.	Walsh
Clapp	Hollis	Nelson	Watson
Clark	Johnson, Me.	Newlands	Weeks
Colt	Johnson, S. Dak.	O'Gorman	Works
Culberson	Jones	Pittman	
Curtis	Kern	Pomerene	
Dillingham	La Follette	Ransdell	

The VICE PRESIDENT. On the committee amendment the yeas are 21, the nays are 26, Senators JONES and FALL being in the Chamber paired but not voting. The committee amendment is rejected.

Mr. POINDEXTER. Mr. President, on page—

The VICE PRESIDENT. The committee amendments have not yet been disposed of.

Mr. SMITH of South Carolina. We have one other committee amendment, and then we will be through.

Mr. POINDEXTER. I understood that this was the last.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The SECRETARY. The next amendment passed over was passed over at the request of the senior Senator from New Hampshire [Mr. GALLINGER], on page 16, line 20, where the committee proposes to strike out "\$2,500" and insert "\$2,700" in the case of "one executive assistant in seed distribution."

Mr. GALLINGER. What page is that, Mr. President?

The SECRETARY. Page 16, line 20.

Mr. GALLINGER. That is not my amendment.

Mr. SMITH of South Carolina. Mr. President, I should like to state that the committee agreed, when the vote was taken on the first of these increases, that they would not insist on any of the others.

Mr. GALLINGER. I suggested that the amendment ought to be rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

Mr. SMITH of South Carolina. Mr. President, there is one other committee amendment, on page 66, line 8. I will have the Secretary state it. He might also read the explanation which accompanies it.

The SECRETARY. On page 66, line 8, it is proposed to strike out "\$122,500" and to insert "\$137,500."

The memorandum accompanying the amendment is as follows:

Owing to the continued advance in price, it is urgently essential that additional funds be provided for the purchase of coal during the next fiscal year. The contract price for the current year is \$3.46 per ton, and the annual consumption of the department is about 7,500 tons. The open-market price for bituminous coal in Washington at this time is approximately \$5 per ton higher than the present contract price. The General Supply Committee recently opened bids for 250 tons of bituminous coal for the new building of the Department of Justice. The only bid received, which was rejected, was \$8.75 per ton for run-of-mine coal. The District government also recently advertised for bids for 1,000 tons of bituminous coal, and the award was made at the lowest price offered—\$8.90 per ton. The central heating plant of the department supplies not only the majority of the buildings owned and rented in the vicinity of the main building, but also the greenhouses, shops, and stables. In addition, it furnishes electric current for light and for the operation of elevators and a great variety of experimental machinery. If the department is unable to purchase the necessary coal, the power plant, of course, could not be operated. This would mean not only the closing of offices for lack of heat, but the probable destruction of valuable plants in the greenhouses and the loss of experimental work dependent upon electrically driven machinery. In view of these circumstances it is urgent that additional funds be provided to meet a possible advance in the contract price of coal during the next fiscal year.

Mr. SMITH of South Carolina. Mr. President, I think the Senate will agree that on account of the rise in the price of coal and other kinds of fuel and other things that are needed and have not been contracted for this increase should be allowed, because it is essential to keep these matters in operation.

Mr. FALL. Mr. President, I do not rise for the purpose of objecting; but I should like to ask whether the committee have considered the feasibility of opening up the great coal lands of the West as a method of reducing the price of coal to the users here in the East?

Mr. SMITH of South Carolina. I will state to the Senator from New Mexico that I will join with him, under the proper form of bill, to bring about any condition that will help lower the cost of the necessities of life.

Mr. FALL. Would the Senator, for the committee, agree to an amendment now instructing the Secretary of the Interior to restore to the public domain, under the coal-land law as it exists

now, the withdrawals of 6,000,000 acres of coal lands in the State of New Mexico?

Mr. SMITH of South Carolina. I should be very happy to do that on the proper bill; but this bill happens to deal with the Secretary of Agriculture, and that amendment would not properly apply to its provisions.

Mr. FALL. Then would the Senator agree to an amendment directing the Secretary of Agriculture, who has charge of the forest reserves, to open up the coal lands on the forest reserves to coal-land entry?

Mr. SMITH of South Carolina. Mr. President, as a matter of course, as I have already stated to the Senator, I would do anything that would look toward ultimately lowering the price of the necessities of life.

Mr. FALL. Do I understand that the Senator would accept an amendment of that character?

Mr. SMITH of South Carolina. It has not been sufficiently considered for me to commit myself to it. I should have to know the merits of it. In the case of the amendment that is pending, its merits are easily seen.

Mr. FALL. Then, Mr. President, may I ask, if the Senator will permit me, that this item may be passed temporarily, so that I may prepare an amendment to-morrow morning covering the matter?

Mr. SMITH of South Carolina. I will state to the Senator that that really would not avail, because it would be subject to a point of order, being new legislation on this bill.

Mr. FALL. Of course, if any Senator would make the point of order to prevent a reduction in the price of coal to the consumer there is no object in my offering it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PHELAN. I submit an amendment. Is the acting chairman through with the committee amendments?

Mr. SMITH of South Carolina. There is a correction that ought to be made.

Mr. SUTHERLAND. Will the Senator from California yield to me to call attention to a committee amendment?

Mr. PHELAN. If I have the floor I shall yield for that purpose.

Mr. SMITH of South Carolina. Before other amendments are offered, this is the very last committee amendment, and it is in the nature of a correction. An addition was made to the bill yesterday to provide for rust and smut in wheat in the western country. That will necessitate, on page 23, line 7, striking out "20" and inserting "30," so as to make the total conform to the action of the Senate in adopting the amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, line 7, strike out "\$20,000" and insert in lieu "\$30,000."

The amendment was agreed to.

The VICE PRESIDENT. The Senator from California.

Mr. PHELAN. Does the Senator from Utah desire to offer an amendment?

Mr. SUTHERLAND. I wish to inquire about a committee amendment.

Mr. PHELAN. If the Senator will permit me, I should like to have my amendment read.

Mr. SUTHERLAND. I supposed it was desirable to dispose of the committee amendments first, and I should like to have one committee amendment reconsidered.

Mr. SMITH of South Carolina. The Senator wishes to make some inquiry in reference to a committee amendment.

Mr. SUTHERLAND. On page 81 of the bill I find inserted by the Senate the following committee amendment:

Hereafter, in the performance of the duties required of the Department of Agriculture by the sections of this act relating to the Bureau of Markets, the Secretary of Agriculture shall have power to administer oaths, subpoena witnesses, and compel the production of books and papers.

I do not understand upon what theory we can confer upon an administrative officer of the Government the power to compel the production of books and papers. The only way that it could be compelled of course, if the person from whom the production was sought declined to produce them, would be by a proceeding for contempt. I do not think it has hitherto been doubted that such power could not be conferred upon administrative officers.

Mr. SMITH of South Carolina. This was submitted to the committee by a member of the committee on the ground that in the enforcement of the law in order to get the proper information to correct certain evils that were complained of by truck growers, fruit growers, and those who ship agricultural products in that form, and in order to enable them to ex-

peditionously do this, this language should be incorporated in the bill.

Mr. SUTHERLAND. Does the Senator from South Carolina think that we can confer upon the Secretary of the Department of Agriculture the power to compel the production of books and papers?

Mr. SMITH of South Carolina. So far as the legal principle involved is concerned, I do not know that it was discussed in the committee at all. It was placed simply on the ground that this would entail a considerable delay and loss of time unless they were empowered to act, and also there was the matter of expense. As to the right of Congress to do it, that is another question entirely.

Mr. SUTHERLAND. Mr. President, I should have no objection to providing that the Secretary could administer oaths; that he might examine witnesses, and that he might request the production of books and papers.

Mr. SMITH of South Carolina. I accept that amendment.

Mr. SUTHERLAND. I certainly would not agree, if I could help it, to any proposition that will permit—

Mr. SMITH of South Carolina. Will the Senator offer that amendment?

Mr. SUTHERLAND. I do offer it. I move that the vote by which the amendment was adopted be reconsidered.

Mr. SHAFROTH. Mr. President, it seems to me that the Secretary ought to have the power to call for books. It may be that he ought to cite them before a court for a violation of an order that he might make and have a contempt proceeding, but there ought to be some provision by which the books can be examined. It is said that enormous profits are being made by middle men, and there ought to be an investigation in regard to it. There ought to be not only power to administer oaths but there ought to be some power lodged somewhere to compel the production of books or else the investigation will be of no avail.

Mr. SUTHERLAND. It will be a perfectly simple proposition. We can authorize the Secretary of Agriculture to examine witnesses and request the production of books and papers. Then we can authorize, if we desire to do so, the Secretary of Agriculture to apply to the court to compel the production, but we can not authorize him to compel the production. I suggest that amendment. I offer it for the purpose of letting the matter go into conference where it can be arranged.

Mr. SMITH of Georgia. I wish to suggest to the Senator from Utah that to "call" for the production of books is better than to "request" the production of books.

Mr. SUTHERLAND. I have no objection to that.

The VICE PRESIDENT. The vote whereby the amendment of the committee was agreed to is, without objection, reconsidered; and the Senator from Utah offers an amendment to the amendment.

The SECRETARY. In line 10, before the word "witness," strike out "subpoena" and insert the word "examine," and, in line 11, strike out the word "compel" and insert the words "call for," so that it will read:

The Secretary of Agriculture shall have power to administer oaths, examine witnesses, and call for the production of books and papers.

Mr. SUTHERLAND. I have no objection to it in that form.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PHELAN. I ask that my amendment be read.

The SECRETARY. On page 82, after line 11, insert the following:

For the purchase, preparation, and irrigation of not to exceed 150 acres of land at Chico, Butte County, Cal., the same to be an additional to the existing 80 acres now used as a plant-introduction field station, \$55,000.

Mr. PHELAN. That is a recommendation of the department and has been estimated for. I believe it is not objectionable to the chairman of the committee. If there is any question about it, I am prepared to answer any question that may be raised.

Mr. SMOOT. Did I understand the Senator to say that it was estimated for?

Mr. PHELAN. It was estimated for by the Secretary of Agriculture.

Mr. SMITH of South Carolina. And recommended by the department.

Mr. SMOOT. It was before the committee and the committee refused to put it on the bill?

Mr. PHELAN. I may say it was not heard before the committee.

Mr. SMITH of South Carolina. The Senator from California did not appear before the committee. The committee had the estimate and it was recommended by the department.

Mr. SMOOT. The House had the estimate also and considered it. I do not see why it ought to go in.

The VICE PRESIDENT. The question is on agreeing to the amendment.

On a division, the amendment was agreed to.

Mr. POMERENE. I send to the desk the following amendment to be inserted on page 68, after line 8.

The SECRETARY. On page 68, after line 8, insert:

To enable the Secretary of Agriculture to establish and maintain horticultural experimental stations in the Mississippi Valley to be located in the principal grape-growing States of Missouri and Ohio, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, \$30,000, as follows: Missouri, \$15,000; Ohio, \$15,000; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the horticultural experimental stations in Missouri and Ohio.

Mr. SMOOT. May I ask whether this was estimated for?

Mr. SMITH of South Carolina. It was not.

Mr. SMOOT. And it was not reported by a standing committee?

Mr. SMITH of South Carolina. That is true.

Mr. SMOOT. Then, Mr. President, I make a point of order against it.

Mr. POMERENE. Mr. President, just a word. There are now 17 of these stations in California. There is one in New Jersey. I understand that the Secretary of Agriculture, because of the present financial conditions, did not feel like recommending the expenditure at this time. This has become a pretty serious proposition in these grape-growing States, and I feel that the amendment ought to be inserted in the bill. I hope the Senator from Utah will not insist on his point of order.

Mr. STONE. Mr. President, the amendment the Senator from Ohio proposes was offered in the Senate and referred to the committee. For some unexplained, I think unexplainable, reason the committee did not act upon it.

Mr. SMITH of South Carolina. If the Senator from Missouri will allow me, the committee referred it to the Department of Agriculture. Of course, they had to have more or less dependence on the department and the statement of the department I have before me. The committee was governed largely by the statement of the department. The Secretary of Agriculture wrote as follows:

DEPARTMENT OF AGRICULTURE,
Washington, January 29, 1917.

Hon. T. P. GORE,
Chairman Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR GORE: Receipt is acknowledged of Mr. Thompson's letters of January 26, 1917, requesting a report on the amendments proposed by Senators STONE and POMERENE to the Agricultural appropriation bill providing \$50,000 for establishing and maintaining horticultural experiment stations in the principal grape-growing States of Missouri, Ohio, Arkansas, and Michigan. The amendment proposed by Senator POMERENE authorizes the sale of such products as are obtained on the land of the proposed stations, but otherwise the two amendments are identical.

The work contemplated by the two amendments does not seem to me to present an emergency and, in view of the present financial situation and of the large deficit which must be met, I do not feel justified in recommending that an appropriation be made for the purpose at this time.

Very truly, yours,

D. F. HOUSTON,
Secretary.

Mr. STONE. They have these stations in California and in other States.

Mr. POMERENE. There are 17 of these stations in California.

Mr. STONE. Seventeen of them, and none in these four States, all of which are large producers of grapes. If they are important in the States where they are located, they are equally important in these States. Why this discrimination should be indulged in by the honorable committee or by the Secretary of Agriculture I am unable to divine. If the amendment is subject to a point of order, I suppose we shall have to bear the burden of our ills. The Senator from Utah who makes the point of order was offering an amendment on the floor of the Senate for some thousands of dollars to find out what was the matter with ducks out in Utah. None of us made any effort to defeat him in his laudable ambition to take care of those winged fruits of the land. I do not see why he should undertake to deprive us at least of an opportunity of testing the sense of the Senate as to whether Michigan, Ohio, Missouri, and Arkansas should be treated upon terms of equality with other States in like cases.

Mr. SMOOT. The statement of the Secretary of Agriculture has just been read.

Mr. STONE. On account of the deficit is the chief reason, the only one; he urges the lack of money.

Mr. SMOOT. There is quite a different situation existing with this item than there was with the amendment I offered a

year ago proposing to appropriate \$5,000 to investigate the diseases of wild ducks. This appropriation will grow every year. However, if the acting chairman desires to insert this amendment, I will withdraw the point of order.

Mr. SMITH of South Carolina. I really felt, after I heard the facts, that perhaps when the conferees of the two Houses meet justice may be done. If the Senator will agree to it, I will accept the amendment as far as I am concerned and let the merits of it come before the conference committee.

Mr. TOWNSEND. May I ask the Senator a question?

Mr. STONE. Just a moment. I have not given up the floor.

Mr. TOWNSEND. All right.

Mr. STONE. I wanted to say that if the scarcity of money is the trouble in the way we could lessen the deficit by abolishing all these stations and by that means put all the States on equal terms. Now, we do not want to do that.

Mr. SMITH of Michigan. You could bond the Government.

Mr. STONE. Yes; we could do a lot of things.

Mr. TOWNSEND. The amendment offered by the Senator from Ohio provides for \$30,000—\$15,000 for Ohio and \$15,000 for Missouri—whereas the letter from the Department of Agriculture applied to all four States on the basis of \$50,000, an expenditure of \$15,000 for Ohio, \$15,000 for Missouri, and \$10,000 each for Arkansas and Michigan. If you are going to send it into conference it seems to me we ought to pass the proposition in accordance with the recommendation of the department.

Mr. POMERENE. The amendment I originally presented provided for \$50,000—\$15,000 to Ohio, \$10,000 to Michigan, \$15,000 to Missouri, and \$10,000 to Arkansas. Because of the objection made by the department, after a conference with some of the Senators who were interested in the matter—and I intended to speak with the Senator from Michigan on the subject—I thought it might be well to change the appropriation to the form in which I have presented the amendment, for the reason that climatic and soil conditions in Michigan and Ohio are substantially the same as those in Missouri and Arkansas. I have no objection to the appropriation as originally contemplated, but that was my reason and the only reason I had.

Mr. WADSWORTH. Let the amendment be read.

The VICE PRESIDENT. Is the point of order withdrawn or is it not?

Mr. SMOOT. I withdraw the point of order I made against it.

Mr. OLIVER. I renew the point of order.

The VICE PRESIDENT. The Chair recognizes that if the point of order is made the amendment has to go out.

Mr. SHAFROTH. I desire to offer an amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 68, line 12, after the word "Porto Rican," strike out "\$40,000" and insert "\$50,000" and the following language:

Of which sum \$10,000, or so much as is necessary, may be expended for the maintenance of a substation for experiments on the introduction and growth of tropical and other vegetables, fruits and fruit trees, and the packing and shipping of their products, in the event that the government of Porto Rico, either by itself or through individuals or organizations, provides for the station a tract of land of not less than 50 acres of suitable land, together with buildings acceptable to the Secretary of Agriculture.

Mr. SHAFROTH. Mr. President, in relation to that amendment I desire to say that there are many Americans who have gone to Porto Rico, who are developing a fruit industry there. The experiment station to be established has been estimated for by the department, and they recommend this addition of \$10,000; but it is made a condition that the people there should donate 50 acres of land and suitable buildings to be placed on it.

It seems to me wise for the Government to do this, inasmuch as it gets such a large donation from individual citizens who are very much interested in the project. A year or so ago I had a separate bill before the Senate providing for the same thing, but I could not get it through in that form.

Mr. TOWNSEND. I notice, in reading the Senator's amendment, that not only \$10,000 but the whole \$50,000, under the wording of the amendment, might be used for the purpose indicated.

Mr. SHAFROTH. No; the amendment proposes to strike out the figures "\$40,000" and to insert in lieu thereof "\$50,000," so as to provide for this additional sum, which will be used for nothing else than the purpose indicated.

Mr. TOWNSEND. That is, it provides for the appropriation of \$10,000 or "so much as may be necessary." It does not say "so much thereof as may be necessary" of the \$10,000.

Mr. SHAFROTH. Well, I will ask that the word "thereof" be inserted, so that it will read "so much thereof as may be necessary."

The PRESIDING OFFICER. Without objection, the amendment will be so modified. The question now is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. SHAFROTH. Mr. President, I have another amendment of the same character relating to Hawaii. There is a recommendation of the department that \$50,000, instead of \$40,000, which has been estimated for, should be appropriated; and the same conditions prevail there, except there is already a change there. The amendment provides an additional amount, with a provision that the additional sum shall be used for agricultural extension work in Hawaii. I will ask the Secretary to read the amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 68, in line 12, after the word "Hawaii," it is proposed to strike out "\$40,000" and to insert "\$50,000."

Mr. STONE. Mr. President, I should like to ask the Senator from Colorado if he is a member of the Committee on Agriculture?

Mr. SHAFROTH. Yes; I am a member of the Committee on Agriculture.

Mr. STONE. And the Committee on Agriculture recommended an appropriation of \$40,000?

Mr. SHAFROTH. They approved the item of \$40,000 when it came from the House, but since then the Secretary of Agriculture has recommended both in the case of the Porto Rican item and the Hawaiian item an increase of \$10,000.

Mr. SMITH of South Carolina. That is in view of the donation to the Government of certain lands and buildings to carry out the purpose.

Mr. SHAFROTH. That was provided as to Porto Rico, and that amendment has been adopted. The amendment I now offer relates to Hawaii.

Mr. WADSWORTH. Mr. President, I notice that there are about 18 Senators present. Apparently it is the disposition of a goodly number of the 18 who are present to offer amendments increasing the sums carried by this bill. As one member of the committee, I must protest against this situation. I am not criticizing the individual Senators who offer amendments to increase appropriations, but I think it is due to the Senate as a legislative body that it should know something about the constant increases that are being put upon the bill after the Senate has adopted the committee amendments and after the Committee on Agriculture has had an opportunity to perform, and I assume has performed, its functions.

Mr. SHAFROTH. I will state to the Senator—

Mr. WADSWORTH. Just a moment.

Mr. SHAFROTH. I have not the slightest interest in this amendment, except for the fact that I am also a member of the Committee on Pacific Islands and Porto Rico, and feel by reason of that fact that there ought to be some interest manifested in behalf of the people of Porto Rico and Hawaii, who have no representatives on this floor. Consequently I have deemed it proper to offer the amendment. I am perfectly willing that the Senator should be heard before the conferees, and if this amendment is not wise I do not want it adopted any more than he does. I have no interest in the matter and I do not know a single man who is going to be benefited by it.

Mr. FALL. Mr. President, it is becoming a custom to legislate by conferees. There are a good many things here that I should like to have heard discussed with reference to this bill, for it seems to be the intention to try to put it through now with all these amendments without any discussion of any character that could be called a discussion at all. I think I am going to be compelled, sir, to—

Mr. SMITH of South Carolina. Before the Senator does that—

Mr. SHAFROTH. Mr. President, I will withdraw the amendment if the Senator is going to call for a quorum. I would rather withdraw the amendment than to see the Agricultural bill defeated.

Mr. FALL. I do not want to defeat the Agricultural bill, either, but I think the Senate would be attending strictly to its business if it were to adjourn over until to-morrow, and we had a quorum here then to consider this bill.

Mr. SMITH of South Carolina. Mr. President, I want it distinctly understood that there is no effort whatever to rush anything through. The only reason I asked that we might go on with the consideration of this measure was to make an effort legitimately to conserve time.

Mr. FALL. But one amendment after another is being offered by Members after the committee itself has had its amendments all considered.

Mr. SMITH of South Carolina. So far as that is concerned, the Senator has no right to shut off any of the amendments that I, as chairman of the committee, offer.

Mr. FALL. I have no right to shut off anything, and I have no desire to shut off anything.

Mr. SMITH of South Carolina. I am endeavoring to facilitate the passage of the measure. Senators who have offered amendments to the bill, of course, think they are meritorious, but the Senators present can take what action they see fit in reference to them.

Mr. WADSWORTH. The Senator will admit that these amendments were not presented before the Agriculture Committee.

Mr. SMITH of South Carolina. I will admit that; but they have come here just as other amendments have come that have been offered upon the floor of the Senate which have not been submitted to the committee.

Mr. FALL. There is an attempt to get the bill through, and I have no desire to stand in the way of the passage of the bill and getting it out of the way, so that other legitimate business may be brought before the Senate; but I do not like to be appealed to just at the very last moment, when we are working to try to pass this bill, to consider the amendments that come in now, offered by members of the committee one after another, each one increasing an appropriation when we can not have any proper discussion of them.

Mr. SHAFROTH. I will withdraw the Hawaiian amendment if the Senator will not call for a quorum.

Mr. KENYON. Mr. President, there are other amendments to be offered, and I appeal to the Senator from South Carolina, as we have had a long and strenuous day and I think this bill can be finished in half an hour to-morrow, that he consent to an adjournment.

Mr. SMITH of South Carolina. I will suggest to the Senator that I am not attempting to carry anything through. I have seen an amendment that the Senator has to propose, and one other amendment which is also to be proposed, and I think the merits of both, as I have seen them, would make them appeal to most Senators who are here so that perhaps they would not need to be discussed at any length.

Mr. KENYON. They would not appeal to very many Senators at this hour.

Mr. SMITH of South Carolina. I think the merits of those amendments will appeal to Senators.

Mr. KENYON. I think the amendment I intend to propose will be adopted, but I think it will require discussion.

Mr. FALL. It undoubtedly will. Here is a pending amendment as to which I have received 100 telegrams from county agents, agricultural colleges, and others in my State, and I know that the Senate has been flooded with telegrams in reference to the proposed amendment to be added to this bill.

Mr. SMITH of South Carolina. I think the amendment the Senator proposes is of such a character that not a single member of the committee will object to it. It is of such a nature that I think the mere reading of it will commend it to every Member of the Senate.

Mr. FALL. Yes; but there is being an enormous pressure brought to bear upon Senators here to have them reject that amendment.

Mr. KENYON. And there are not over 18 Senators here now to consider it.

Mr. SMITH of South Carolina. I think that amendment will be incorporated in the bill, because it is, after all, the very provision that we incorporated in the bill in 1914, and which had been in the bill every year since 1906.

Mr. FALL. The acting chairman of the committee will admit that it must be explained; it must be discussed to some extent; it can not be simply accepted, adopted, and incorporated in this bill. I want to ask some questions about it myself, although I am in favor of the amendment; but I want to bring out the truth of the matter in such form that the people who are protesting against the adoption of the amendment can understand the reasons for it.

Mr. MYERS. Mr. President, if the Senator will yield to me a moment, if the amendment to which Senators are speaking is going to take a long time, I ask them to let me offer a couple of amendments which will only take a minute or two.

Mr. FALL. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 8, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 7, 1917.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Eternal One, to whom we are indebted for life and all its attendant blessings, help us to realize how great is the responsibility resting upon us as free moral agents in the use of the faculties bestowed upon us. If we are at all self-centered, touched by the poison of vanity, remove that and give us wisdom, that we may apply our knowledge unto righteousness, truth, and justice; and in all humility freely accord unto others what we may reasonably claim for ourselves in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

AVIATION FIELD.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to insert in the Record a letter and telegram from the Chamber of Commerce of Casey, Ill., which is in the center of the Illinois oil field. I shall refer the letter to the War Department, but I wish to insert the letter and the telegram in the Record.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

CIVIC TRAINING IN THE BUREAU OF EDUCATION.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent to print in the Record an article having reference to a bill which I introduced (H. R. 8485) for civic training in the Bureau of Education.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

CONFERENCE REPORT (NO. 1443).

Mr. SHERLEY. Mr. Speaker, I present a conference report on the fortifications bill, H. R. 20453, and I ask unanimous consent that the same may be considered without being printed under the rule.

The SPEAKER. The gentleman from Kentucky presents a conference report on the fortifications appropriation bill and asks unanimous consent that it be considered without being printed under the rule. Is there objection?

Mr. MANN. Reserving the right to object, let the report be read.

The SPEAKER. The Clerk will read the report.

The report was read, as follows:

CONFERENCE REPORT (NO. 1443).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or, where such matériel is not or has not been manufactured by the Government, at a price in excess of 25 per cent more than the estimated cost of manufacture by the Government: *Provided*, That whenever in the opinion of the President the situation is such as to justify such action he may waive the limitations contained in this section"; and the Senate agree to the same.

SWAGAR SHERLEY,

GEORGE RAUCH,

FREDERICK H. GILLET,

Managers on the part of the House.

N. P. BRYAN,

OSCAR W. UNDERWOOD,

Managers on the part of the Senate.

Mr. SHERLEY. Mr. Speaker, the Senate amended the bill in only three particulars. The first amendment was to authorize the Ordnance Department to enter into a five-year lease for cer-

tain space for housing its drafting force, and to that the House agreed.

The second amendment was one changing the language of a provision in the bill as to the price that should be paid for matériel purchased from private manufacturers. Under the House provision this matériel could not be purchased at a price in excess of 25 per cent of the arsenal prices, unless in the opinion of the President an emergency exists affecting the general welfare of the United States. The House agreed to the amendment of the Senate with an amendment changing the proviso so as to permit the waiving of the requirement whenever in the judgment of the President it should be done. It was believed that the President ought not to be required to certify that an emergency affecting the general welfare exists, but that his freedom should be greater.

The third amendment was by the Senate, undertaking to modify the requirement that the arsenal should be worked at a maximum economic capacity and providing that it should only be worked at one full shift a day. The Senate receded from its amendment.

The SPEAKER. Is there objection to the consideration of the conference report without being printed under the rule?

There was no objection.

The conference report was agreed to.

BRIDGE BILLS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to set a hearing for the consideration of some bridge bills. There are seven or eight bridge bills that have not been reached on unanimous-consent days, and the friends of those bills are pressing the Speaker for recognition. I ask unanimous consent that they be considered to-morrow morning after the reading of the Journal. It will not take 10 minutes to dispose of them.

The SPEAKER. The gentleman from Georgia asks unanimous consent that seven or eight bridge bills may be considered to-morrow morning after the reading of the Journal. Is there objection?

Mr. MANN. I suggest to the gentleman from Georgia that he make his request that unobjected bridge bills be considered, so that we can not possibly get into a position where we will have a long debate.

Mr. ADAMSON. Of course, Mr. Speaker, I understood and intended to mean that it should be only those bridge bills which are unobjected to.

The SPEAKER. The gentleman modifies his request and makes it apply to bills unobjected to. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to ask the gentleman from Georgia if any of these bills are for a bridge across the Hudson River?

Mr. ADAMSON. I think one of them is.

Mr. MOORE of Pennsylvania. I should have to object.

The SPEAKER. That bill would not be taken up under this request.

Mr. ADAMSON. Mr. Speaker, I suggest that when each bill is called any Member may object.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none, and it is so ordered.

EMPLOYMENT OF WOMEN IN THE CIVIL SERVICE.

Mr. KEATING. Mr. Speaker, I move to discharge the Committee on Reform in the Civil Service from further consideration of House resolution 475, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 475.

Resolved, That the President of the United States furnish the House with the following information:

In making appointments, transfers, promotions, demotions, and removals in clerical and other positions in the various executive branches of the Federal civil service, to what extent is sex a factor in the selections and decisions?

In what branches of the service, if any, during the year ending December 31, 1916, did the appointing officials specify sex when asking for certifications? Which sex was specified and in respect to what positions was this specification made? In what branches and what instances was sex not specified?

Are there any positions in any branch of the service to which women who have passed the prescribed examinations would not be appointed or promoted. If so, what branches and what positions?

Are there any branches of the service in which officials fix limitations as to the salary grades or positions to which women may be promoted? If so, what branches and what positions?

Are any civil-service examinations open to men only? If so, what and how many examinations during the year ending December 31, 1916, were so restricted? What, if any, examinations were open to women only? What, and how many, examinations were open to both men and women?

The SPEAKER. The question is on the motion of the gentleman from Colorado to discharge the Committee on Reform in the Civil Service from further consideration of this resolution.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. KEATING. Yes.

Mr. STAFFORD. May I inquire why the gentleman seeks this information from the President and not from the Civil Service Commission, which is the body that might have the information?

Mr. KEATING. First of all, the President is the head of all the executive departments, as the gentleman knows. In the next place, the Civil Service Commission would not be prepared to answer all of the questions propounded in the resolution.

Mr. MANN. And in the third place, it would not be a privileged resolution if it asked the Civil Service Commission for the information.

Mr. KEATING. That is true. It has been so ruled.

Mr. STAFFORD. It might not be a privileged resolution, but the question that is uppermost in my mind is whether we ought to cumber the President with a request to obtain information that could be obtained from the Civil Service Commission.

Mr. KEATING. I would suggest to the gentleman that the President will probably refer the matter to the head of the department.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. I make the inquiry with a thought to objecting. Is this a privileged resolution on Calendar Wednesday?

The SPEAKER. The Chair thinks that the gentleman raises the point too late. The question is on the motion of the gentleman from Colorado to discharge the Committee on Reform in the Civil Service from further consideration of the resolution.

The motion was agreed to.

The SPEAKER. The question now is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 52, noes 45.

So the resolution was agreed to.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the resolution may be modified, so that instead of reading—

Resolved, That the President of the United States furnish the House with the following information—

It will read—

Resolved, That the President of the United States be requested to furnish the House with the following information.

The SPEAKER. Without objection, the resolution will be so modified.

There was no objection.

On motion of Mr. KEATING, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 15314) to punish persons who make threats against the President of the United States.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7380. An act for the construction of Coast Guard cutters;

S. 7381. An act to provide adequate subsistence for the warrant officers and enlisted men of the Coast Guard;

S. 4716. An act granting pensions to certain members of the former Life-Saving Service;

S. 7320. An act adding certain lands in Wyoming to the Ashley and Wasatch National Forests;

S. 6854. An act to repeal the last proviso of section 4 of an act to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes, approved January 26, 1915;

S. 747. An act for the relief of Wilbur F. Lawton;

S. 7757. An act authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., within which to make payment;

S. 6251. An act for the relief of John F. Kelly;

S. 7833. An act authorizing the Chippewa Indians in the State of Minnesota to submit claims to the Court of Claims;

S. 5768. An act for the relief of Frank Carpenter;

S. 3507. An act for the relief of Elizabeth Marsh Watkins;

S. 2749. An act for the relief of George L. Thomas;

S. 7758. An act conferring jurisdiction upon the Court of Claims to hear, consider, and determine certain claims of the Cherokee Nation against the United States;

S. 6654. An act to validate a patent to certain lands heretofore issued to the State of Florida; to allow the said State to claim certain other lands, and for other purposes;

S. 1174. An act granting to the State of Iowa all the right, title, and interest of the United States in and to the land within the meander lines, as originally surveyed, of the lakes within said State;

S. 5362. An act to authorize the Secretary of the Interior to issue patents for certain lands in the State of Utah to Cyrena E. Young;

S. 6943. An act for the relief of Frederick Tessman;

S. 7894. An act to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the States of Montana and Wyoming;

S. 7713. An act granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation;

S. 7433. An act for the relief of Winfield S. Solomon;

S. 7598. An act for the relief of John H. Kidd;

S. 6430. An act directing the reexamination of the accounts of the late Peter G. S. Ten Broeck; and

S. 6595. An act to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11685. An act for the relief of Ivy L. Merrill;

H. R. 7763. An act for the relief of Stephen J. Simpson;

H. R. 6732. An act for the relief of Joseph A. Jennings;

H. R. 11288. An act for the relief of S. S. Yoder;

H. R. 13831. An act to amend section 4464 of the Revised Statutes of the United States, relating to number of passengers to be stated in certificates of inspection of passenger vessels, and section 4465 of the Revised Statutes of the United States, prescribing penalty for carrying excessive number of passengers on passenger vessels, and section 4466 of the Revised Statutes of the United States, relating to special permits for excursions on passenger steamers; and

H. R. 1600. An act for the relief of S. L. Burgard.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5395. An act to repeal sections 2588, 2589, and 2590 of the Revised Statutes of the United States; to the Committee on Merchant Marine and Fisheries.

EXTENSION OF REMARKS.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in connection with some resolutions adopted by the General Assembly of Delaware.

The SPEAKER. The gentleman from Delaware asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think it fair to call to the attention of Members of Congress a bill that was passed last evening by the Senate in reference to printing in the RECORD. It may be desirable to have it considered at this session of Congress. I think Members ought to look it up. My impression is that the bill stops all of this leave to print in the RECORD except extension of one's own remarks. I do not object to this.

The SPEAKER. Is there objection to the request of the gentleman from Delaware? [After a pause.] The Chair hears none.

CALENDAR WEDNESDAY—DIVERSION OF WATER OF THE NIAGARA RIVER.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the Niagara Falls hydroelectric power bill (H. R. 20047). The House will automatically resolve itself into the Committee of the Whole House on the state of the Union.

Mr. HUDDLESTON. Mr. Speaker, before that is done I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty-five Members present, not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Edwards	Jones	Randall
Barchfeld	Estopinal	Kent	Riordan
Beakes	Farley	Key, Ohio	Rowland
Beales	Fitzgerald	Kreider	Rucker, Ga.
Benedict	Flynn	Lehlbach	Scott, Pa.
Bennet	Gandy	Lenroot	Scully
Campbell	Garrett	Lewis	Siegel
Cantrill	Graham	Lieb	Sparkman
Carew	Green, Iowa	Liebel	Steele, Iowa
Chandler, N. Y.	Gregg	Loft	Swift
Coady	Hart	McCracken	Tinkham
Costello	Hayes	McKellar	Van Dyke
Cullop	Heflin	Mooney	Vare
Davenport	Helm	Morin	Wason
Davis, Minn.	Henry	Nelson	Whaley
Driscoll	Hill	Patten	Wise
Dunn	Hinds	Porter	Woodyard
Dyer	Howell	Pou	
Edmonds	Johnson, S. Dak.	Price	

The SPEAKER. On this roll call 350 Members, a quorum, have answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from North Carolina moves that further proceedings under the call be dispensed with.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

CHANGE OF REFERENCE.

Mr. McLAUGHLIN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. McLAUGHLIN. To ask unanimous consent for a change of reference of a Senate bill.

The SPEAKER. What bill is it?

Mr. McLAUGHLIN. Senate bill 739, for the relief of James F. Cole. It is a bill to remove a charge of desertion, which was passed by the Senate, and when it came to the House it was referred to the Committee on the Public Lands. I wish to ask to have it referred to the Committee on Military Affairs.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DIVERSION OF WATER OF THE NIAGARA RIVER.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20047, and the gentleman from Missouri [Mr. ALEXANDER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20047, with Mr. ALEXANDER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20047, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20047) for the control and regulation of the waters of Niagara River above the Falls, and for other purposes.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

Pending amendment by Mr. DEMPSEY: Page 2, line 2, strike out the word "revocable" before the word "permits," and, after the word "permits," insert the words "revocable for cause as hereinafter provided or for any national need or exigency."

Amendment offered to the amendment by Mr. SHERLEY: Amend the amendment by striking out all of the language of the amendment except that which strikes out the word "revocable," in page 2, line 2.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. SHERLEY].

Mr. DEMPSEY. Mr. Chairman, I desire to withdraw the amendment.

The CHAIRMAN. The gentleman from New York desires to withdraw the amendment.

Mr. HUDDLESTON. Mr. Chairman, I object.

Mr. MANN. It can only be done by unanimous consent.

The CHAIRMAN. Is there objection?

Mr. HUDDLESTON. Mr. Chairman, I object.

Mr. FLOOD. Mr. Chairman, I ask just a few moments to explain the reason why this amendment ought to be withdrawn or ought to be voted down.

The CHAIRMAN. The time on both amendments has been exhausted.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent I may proceed just for a few minutes.

Mr. MANN. Mr. Chairman, is debate exhausted by order of the committee?

The CHAIRMAN. The Chair thinks not; that is his recollection. The gentleman from Virginia asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD. Mr. Chairman, this amendment proposes to change this provision of the bill:

That the Secretary of War is hereby authorized to grant revocable permits for the diversion of water for power purposes from said Niagara River above the Falls.

The purpose of the amendment was to strike out the word "revocable" and authorize the Secretary of War to grant permits which were not revocable; thereby turning this immensely valuable water power over to the water-power companies for 50 years. There have never been any permits granted by the Secretary of War for the use of this water except revocable permits. This bill provides that they shall be revocable at will under the following conditions:

Provided further, Whenever it shall appear to the Secretary of War that the diversion of water herein authorized in connection with the amount of water diverted on the Canadian side of the river interferes with the navigable capacity of said river, or its proper volume as a boundary stream, or its sufficiency as a means of national defense, he may revoke any permit.

For these reasons the Secretary of War is authorized by this bill to revoke the permits at will and without assigning any cause and without notice to the permittee. Now, it is perfectly apparent to every Member of the House that if the Secretary of War could not revoke permits for these causes at will, that the Secretary of War would not grant any permits to take this water. There is an additional ground upon which the Secretary of War can revoke these permits.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. FLOOD. I will yield.

Mr. SMITH of Minnesota. What is the connection between the word "revocable" in section 2 and section 4 which authorizes the Secretary of War to revoke these permits when certain conditions are not complied with?

Mr. FLOOD. That is for cause and that is because the permittee has violated this law or violated the regulations laid down by the Secretary of War for the use of this water.

Mr. SMITH of Minnesota. Is it the gentleman's understanding that section 2 is broader than section 4?

Mr. FLOOD. My understanding is if the permittee violates the law or violates the regulations of the Secretary of War which permits him to take this water, that he can be fined or imprisoned, or fined and imprisoned, and the Secretary of War may revoke his permit, and it is for cause stated in this law:

That if any permittee shall at any time fail or refuse, after receiving reasonable notice thereof, to comply with any of the provisions of this act or any lawful order or regulation made by the Secretary of War and the Chief of Engineers in accordance with the provisions of this act, the Secretary of War may, in addition to said penalties, revoke said permit, and thereupon all rights under said permit shall cease and determine.

That is a part of the punishment under this act, and the permittee has notice and he has an opportunity to defend himself against the charge of having violated the law or violated the regulations.

Mr. SMITH of Minnesota. Well, then, in section 2, line 2, the word "revocable" does not mean anything, does it?

Mr. FLOOD. Yes; it does.

Mr. SMITH of Minnesota. How much more does it mean than the language of section 4?

Mr. FLOOD. It means at the will of the Secretary of War, if he is satisfied himself that the navigability of the Niagara River is being affected by the diversion of this water, or it is being injured as a boundary line, or its capacity for national defense is being affected, he can revoke the permit or permits.

Mr. SMITH of Minnesota. If the Government wants to take it over, he can revoke it without regard to section 4 at all? That is, if the Government wants to use this power for its own purpose?

Mr. FLOOD. Not unless the Secretary of War is satisfied that one of these conditions has occurred.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Minnesota. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Minnesota. Probably the gentleman does not understand the information I am trying to get. Section 4 is the section of the bill that provides that when certain provisions of the bill are violated the Secretary of War can do certain things by way of correction.

Mr. FLOOD. Section 4 imposes penalty on the permittee for violation of the law.

Mr. SMITH of Minnesota. Not necessarily a penalty, but he can require the company to comply with his orders.

Mr. FLOOD. As a penalty for the violation of this statute.

Mr. SMITH of Minnesota. That is one condition under which this permit can be revoked?

Mr. FLOOD. That is for cause.

Mr. SMITH of Minnesota. Specified in here?

Mr. FLOOD. Yes.

Mr. SMITH of Minnesota. Now, how much broader is the language we find in section 2 that these permits are to be revocable? How much broader is that than section 4, if any?

Mr. FLOOD. The language in section 2 refers to the language on page 9, line 4, and prescribes when the Secretary of War can at will revoke these permits; that is, when the navigability of the stream is affected, when its use for national defense is affected, when its volume as a boundary stream is affected, and when the scenic beauty is seriously impaired.

Mr. HUDDLESTON. Does the gentleman hold that a permit can not be revoked by the Secretary of War at his discretion?

Mr. FLOOD. For those causes he can.

Mr. HUDDLESTON. That is for cause, but can it be revoked without cause?

Mr. FLOOD. Oh, the Secretary of War in his discretion, absolutely, if he thinks the navigability of the stream is affected—

Mr. HUDDLESTON. Suppose the National Government has occasion for this water for itself, could the permit be revoked?

Mr. FLOOD. No.

Mr. HUDDLESTON. Does the gentleman think we should grant this power away for 50 years, irrevocable, except for cause? Does the gentleman think this Government ought to put itself in that position?

Mr. FLOOD. I say that he could not revoke it at his will. He would have to assign cause.

Mr. HUDDLESTON. Is that sufficient cause shown in the bill anywhere?

Mr. FLOOD. We are discussing the revocable permit now.

Mr. HUDDLESTON. That is what I am asking now. I want to find out the ground on which it can be revoked, and I want to find out whether if an emergency should arise and the National Government should decide to take over these works for any cause on any of the grounds mentioned that forfeits the permit, we would have the power to do it. The gentleman has answered me he does not think we could do it, and now I am asking him if we should grant away this power for 50 years without an opportunity to recapture it?

Mr. FLOOD. There is already a law covering the suggestion made by the gentleman, and we propose to provide for recapture. For certain reasons the Secretary of War can revoke the permits at will.

Mr. HUDDLESTON. What does the gentleman mean by "at will"?

Mr. FLOOD. For the causes specified in the bill. He does not have to give an opportunity to the permittee to be heard. The causes for which he may revoke this permit are laid down in the bill.

Mr. HUDDLESTON. And the Secretary of War would have no power to revoke this permit in order to take over these works to manufacture nitrates for Government use?

Mr. FLOOD. That is a matter not of discretion, but he would have to revoke for cause.

Mr. HUDDLESTON. That is not specified.

Mr. FLOOD. That is not specified.

Mr. HUDDLESTON. Then he could not do that?

Mr. FLOOD. Not under that section.

Mr. HUDDLESTON. But under any section?

Mr. FLOOD. Yes; he can.

Mr. HUDDLESTON. Under what section?

Mr. FLOOD. The section we will insert before the bill is passed.

Mr. HUDDLESTON. If he simply passes out of the game.

Mr. FLOOD. I am not saying that. And the gentleman is aware that we are to offer amendments to the bill. He has amendments himself, and that question is not very germane to the discussion of whether or not we should authorize the Secretary of War to grant a revocable permit.

Mr. HUDDLESTON. Will the gentleman permit me to say that I have no knowledge of any amendments that he desires to offer to the bill?

Mr. FLOOD. We have some.

Mr. HUDDLESTON. I wanted to find out what they were, so that we could act intelligently on this proposition.

Mr. FLOOD. The question before the House now is the question of a revocable permit and whether it is fair to the permittees that the Secretary of War should be authorized to

grant a revocable permit. I was simply pointing out that it was fair to them if he could only exercise the power of revocation at will for the causes specified in the section read.

Mr. BURNETT. Mr. Speaker, the statement of the gentleman is absolutely satisfactory to me if he is correct in his conclusions.

Now, as I understand, the revocable permits that are referred to in section 2 relate to revocation for the causes subsequently stated. I am afraid that the language does not imply that. Would the gentleman have any objection—I have great confidence in his judgment, and I do not want to antagonize his bill, especially this part of it—to having permits "revocable for the causes hereinafter stated"? I think that is entirely clear.

Mr. FLOOD. That would be satisfactory.

Mr. BURNETT. I think that would clear it up entirely. I would have no objection to it then.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. FLOOD. I shall have to object. The gentleman has already discussed it.

The CHAIRMAN. The gentleman from Alabama [Mr. HUDDLESTON] asks unanimous consent to proceed for five minutes. Is there objection?

Mr. FLOOD. I object.

The CHAIRMAN. Objection is made.

Mr. MANN. Mr. Chairman, I move as a substitute for the pending proposition to insert, after the word "permits," the words "revocable at the pleasure of the Secretary of War."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

Mr. STAFFORD. Mr. Chairman, let it be reported.

Mr. MANN. I do not care what it is. I want to get five minutes; that is all.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 2, after the word "permits," by inserting the words "revocable at the pleasure of the Secretary of War."

Mr. MANN. Mr. Chairman, I offer the substitute solely for the purpose of getting the floor. Gentlemen were objecting to the consideration of the bill. I was not in the House when the bill came up for consideration last Wednesday, but I could not let go by the statement of the gentleman from Virginia [Mr. FLOOD] in charge of the bill without expressing a contrary opinion as to the meaning of the word "revocable."

I apprehend that if we simply provided for the issuance of revocable permits it might then be within the jurisdiction of the Secretary of War to revoke them at his pleasure. But where you provide for the issuance of revocable permits and then go on and define the reasons for revoking the permit it is no longer to be at the pleasure of the Secretary of War. There must be some reason for the revocation. There must be some violation by the permittee of the provisions of the law or some conflict with the legal authority of the Secretary of War; and if the present Secretary of War issues a revocable permit under the terms of this law, if enacted, the ensuing Secretary of War can not say, "I do not like the color of the ink that was used in the granting of the former permit, and therefore I revoke it." Such a revocation at the mere pleasure of the Secretary of War would not be legal, nor, in my opinion, would that power be desirable.

While I offer the substitute, I am not in favor of the substitute which I offer.

Mr. SHERLEY. Mr. Chairman, will the gentleman permit a question before he takes his seat?

Mr. MANN. Certainly.

Mr. SHERLEY. I am inclined to agree with the gentleman's statement. Assuming that he is correct as to the interpretation, what value is left to the word "revocable"?

Mr. MANN. Well, it is a preliminary definition that something is going to follow, and probably it does not change the meaning of the law in any respect whatever.

Mr. SHERLEY. Two amendments were pending. One of them was to strike out the word "revocable" and then to add a proviso about national emergencies, which is unnecessary, because it is covered by another law. The reason I suggested the striking out of the word "revocable" was because some gentlemen were undertaking to impress upon the language an interpretation as if it read "revocable at will," which I do not think was either correct or ought to be in the bill.

Mr. MANN. I think it is desirable to have the language in the bill. The Secretary of War might have authority to revoke the permit for some reason not specifically set forth in this bill, and might not have that authority if it were not a revocable permit, although I have some doubt about that.

Mr. HUDDLESTON. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Illinois [Mr. MANN].

I do not think these permits ought to be revocable at will or at pleasure. I criticized this bill the other day as being intended for the benefit of the two concerns that are now at Niagara. Mr. Chairman, those concerns are compelled to accept these permits on any terms that we choose to fix. It makes no difference how onerous those terms are, they are compelled to adhere to them. If these permits are granted at all, they will be granted to those two concerns, because other concerns can not come in and subject themselves to the expense necessary. Therefore, there will be no competition with these two concerns that we have there now, and we might as well put their names in this contract and specify that they can continue to go on and develop the power there just as they have done in the past unless we put the words in here that the permits are revocable at will.

These firms are not developing the power at the most efficient head and there is a great waste of power. They realize that, and would like to correct it, but they can not afford to go to the expense of correcting that waste unless they have something definite in hand that will enable them to know what they have. Therefore it is important that they should know that there is a fixed term and period so that they will know what to depend on. This is also necessary in order that any outsider who may come in and get a permit may be permitted to hold it for a reasonable time.

Now, there is no recapture clause in this bill. I do not know what amendments the gentlemen who are interested in pushing the bill in its present form have up their sleeves, because the House has not been taken into their confidence, nor have I, either. They may intend to put in a recapture clause; I do not know. But nobody in the absence of a fair recapture clause can afford to spend one cent at those Falls so long as the permit is revocable at will.

However, we ought to have this permit made revocable at will. I am not willing that the Government shall grant away this water power of immense value, for the long period of 50 years mentioned in the bill, without the power to take it back again if the national welfare should require it; but we can not afford to put in a revocable-at-will clause unless we have a fair recapture clause. That is what we ought to have, a revocable-at-will clause, accompanied by some recapture clause, that will fairly protect the rights and interests of those who make their investment.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. HUDDLESTON. I yield to the gentleman from Minnesota.

Mr. SMITH of Minnesota. Does the gentleman disagree with the construction that the words "revocable at will" in this bill as it now stands do not have any significance, and that if the bill should pass in its present form the Secretary of War would not have the right to revoke the permit at will?

Mr. HUDDLESTON. I will say to the gentleman from Minnesota that it is perhaps not free from doubt, and that is why the bill should be amended. That is why I objected to the withdrawal of the amendment. Let us make it certain. Why should we leave a thing in doubt when we can make it certain? What I think it means is, "revocable as hereinafter expressed." I think a court in interpreting it would read that into it. But it was argued here the other day by the author of the bill that it was revocable at will, that the Secretary could revoke it at any time he wanted to. Evidently there is difference of opinion on the subject, and why should there be any doubt about it? Now is the time to make the matter sure, and let us make it sure by some such amendment as that which has been offered. Let us either give this permit, or else let us refuse it. Let us give it for a fixed period, or else let us make it revocable at will. Let us not make it doubtful, when we have passed it, whether it means that it is revocable at will or after a period of 50 years.

Mr. SMITH of Minnesota. Is it not true that from the explanation given the other day a number of Members of the House understand this thing to mean that a permit given under this law would be revocable at will?

Mr. HUDDLESTON. The explanation given by gentlemen can be interpreted in both ways. They seem to be on both sides of the question. One day they seem to be of the opinion that it would be revocable at will and the next day that it will last for 50 years. Of course this bill must be read all together. That is the only fair way to interpret it. We have the word "revocable" here, and later in the bill we have certain causes specified which authorize the cancellation and revocation of the permit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDDLESTON. I move to strike out the last word. I think any court in construing this bill will refer this word "revocable" to the causes that are stated in the bill authorizing revocation. That is what I think would be a reasonable and fair construction of the bill. The gentleman from Virginia [Mr. FLOOD] did not call attention to section 5, which provides—

That all permits issued pursuant to this act shall be for a determinate period of not longer than 50 years—

and so forth, which seems to me clearly to imply that the permit shall be for a fixed period and shall not be revoked within that period except for the causes set out in the bill. I should regard any court that would hold to the contrary as departing from the true construction. But I do not know. Good lawyers and able Members here have insisted that it does not mean that.

Why should we not make it clear what the bill does mean, while we are about it? I think the amendment offered by the gentleman from Kentucky [Mr. SHERLEY] to the amendment of the gentleman from New York [Mr. DEMPSEY] ought to be adopted and that we ought to have it in that form in the bill. Then we ought to put into the bill a fair recapture clause that would insure investors in these works that they will get back what they put in, and that the Government should not slaughter them. To leave it in the condition in which it now is will discourage investors from going in there to compete with the Niagara Falls Power Co., and discourage that company from trying to develop their plant to the highest efficiency. It will discourage them from acting as though they were going to have a permit for a reasonable period and will put them in a position where they must be ready to get out at any time that the Secretary of War chooses to push them off. That is, if the construction put on the bill by these gentlemen is correct.

I do not believe in leaving out any words if words will make it sure. Let us make it sure. I do not think there is any gentleman who has any other desire than that. Let us make it sure if it is doubtful. Reckoning from certain dead reckonings and various astronomical data, I think that a court would finally reach the conclusion I have pointed out, but it is highly desirable that there should be no chance or hazard about the matter when we can make it plain that this is what we mean by using the language covered by the amendment of the gentleman.

Mr. CLINE. Mr. Chairman, the gentleman from Alabama did not read the whole of section 5, as I notice from looking at the printed bill.

The CHAIRMAN. All debate on this amendment is exhausted.

Mr. CLINE. I rise in opposition to the gentleman's last amendment. For the benefit of the House and for an answer to the gentleman from Alabama I want to read section 5—

That all permits issued pursuant to this act shall be for a determinate period of not longer than 50 years—

And that is where the gentleman stopped—subject, however, to all the provisions of said act.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. CLINE. No; not now—

And neither said act nor any permit granted thereunder shall be construed to establish in any permittee or its successor any vested right.

So that that section plainly covers the entire provisions of this bill. The gentleman says he has no knowledge that any recapture clause is going to be offered. It was stated on the floor two weeks ago that a recapture clause would be inserted, and it was further stated that the recapture clause, known as the Adamson recapture clause, which has passed this House three different times, would be offered to this bill, so that, if the gentleman was here two weeks ago, he knows what proceedings were had with reference to that matter.

Mr. HUDDLESTON. Will the gentleman now yield?

Mr. CLINE. No; I will not yield now. We believe, using the expression of my good friend from Kentucky [Mr. SHERLEY], that the inertia in this proposition ought to be with the General Government. We believe that the Secretary of War ought to have the right to revoke any permit when the navigability of the stream becomes affected by the diversion of the water, when its proper function as a boundary stream becomes affected, when its proper volume as a means of national defense becomes affected, and the Secretary ought not to be obliged to give a reason to anyone for his action. And his decision ought to be final and from which there is no appeal. When any of these three great causes arises, he ought to revoke the permit.

Now, with reference to the fourth clause, in regard to the scenic beauty becoming affected in the opinion of the Secretary of War, he should have the right to revoke it, and we make it

necessary that he assign the cause of making it revocable after six months.

Now, Mr. Chairman, for any violation of the provisions of the permit we make it punishable according to the terms set out in the law, for which he can go into the courts and contest whether the permit ought to be revoked or not.

Mr. REAVIS. Will the gentleman yield?

Mr. CLINE. I will.

Mr. REAVIS. You use the word "revocable" on page 2. Does the gentleman construe that so as to grant authority to the Secretary of War to revoke a permit for reasons other than the causes assigned in the later portion of the bill?

Mr. CLINE. The other clauses on which the permit may be revoked are set out and the penalty for the violation is set out.

Mr. REAVIS. A familiar rule of construction is that where a general power in legislation is followed by a specific provision on the same subject, the general clause gives way to the specific clause. Would not the word "revocation" on page 2 be construed in connection with the limitations on page 4, and would not the Secretary of War be restricted to the causes enumerated on page 4 in declaring the revocation?

Mr. CLINE. I will say to the gentleman from Nebraska that we have set out definitely the grounds on which the revocation may be made for a violation of any of the terms of the permit. But the permittee would not be at liberty to decide whether the volume of water in the Niagara River was affected for navigation purposes; and for the three purposes that I named the Secretary of War ought not to be required to say to the permittee, "I believe the volume of this stream from the navigation standpoint is being reduced, and consequently I am going to revoke the permit." But he ought to have the right to revoke the permit without assigning a cause which could be contested in the court.

Mr. REAVIS. I am not debating whether he ought to have that right or not; I am trying to get your construction of the bill. You use the word "revocation" on page 2 in a general statement. In a later part of the bill you have a specific clause relating to the revocation, whereby it may be revoked on certain conditions. Now, in view of the familiar rule of construction to the effect that the general clause gives way to the specific clause on the same subject, would not the construction of the word "revocation" on page 2, being general, be limited to the causes on page 4?

Mr. CLINE. It would not, because we set out on page 9 the identical causes upon which, for reasons, the Secretary may declare it.

Mr. REAVIS. It was page 9 that I had in mind. My question is this: Under the rule of construction, whereby the revocation on page 2 being restricted to causes on page 9, would it give the Secretary of War the right to revoke permits for any reason other than those on page 9?

Mr. CLINE. I do not think the Secretary of War under a fair construction would have the right to revoke except for the causes assigned and with the exceptions set out in conjunction with it.

Mr. REAVIS. If the Secretary of War may revoke the permit only for causes assigned on page 9, what is the office of the word "revoke," on page 2?

Mr. CLINE. That is to give the Secretary of War power to revoke a permit for causes set out on page 9.

Mr. REAVIS. He would have that under the authority of the language used on page 9.

Mr. CLINE. He would not have for causes set out as triable by the court.

Mr. REAVIS. The gentleman's position is that the word "revocation," on page 2, gives the Secretary the right to revoke a permit for causes without a court trial?

Mr. CLINE. Yes.

Mr. REAVIS. And that is the object of the word "revocation" on page 2?

Mr. CLINE. It is; in connection with the four causes mentioned on page 9.

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. CLINE. Yes.

Mr. BURNETT. Under the statement of the gentleman, I do not think there is much disagreement, but in order to make the matter clear, does not the gentleman think that if the words "revocable permits" were stricken out and the words "permits revocable for reasons hereinafter provided for in the bill" were inserted it would express the meaning that the gentleman and the chairman of the committee have stated?

Mr. CLINE. I will say to the gentleman from Alabama that we do not want to open the door on that proposition so as to permit the Secretary of War to be taken into court to discuss the full reasons why he revoked permits under the four assign-

ments. That is the reason we want the word "revocable" to be retained without any limitation.

Mr. HARDY. Mr. Chairman, if the purpose of the gentleman, as just stated, is the purpose of the committee, it seems to me they have left that vaguely and ineffectively stated, for if I were called upon to construe that I would hold that under this bill the Secretary of War had to show the cause before he could revoke the permit, and if you want him to get in the position where he can act, and the companies must go to court for relief, you have not got it in this bill.

Mr. CLINE. I think we have where there is a violation of the permit, taking it out of the exceptions I have named.

Mr. HARDY. That is the very issue this bill leaves to be determined before you revoke this permit.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. FLOOD. Mr. Chairman, I move to strike out the last three words. I would like to ask the gentleman from Texas to state his position again.

Mr. HARDY. Mr. Chairman, my position is that the word "revocable" in the context as it is just the same in effect as if you had followed it by saying "for the causes hereinafter stated," because you do follow it later by section 4, defining the causes for which he may revoke. Then the cause becomes a condition precedent that must be found by the court.

Mr. FLOOD. The causes for which he can revoke at will.

Mr. HARDY. But you have not got "at will" in the bill.

Mr. FLOOD. These are the causes for which he can revoke at will. That is clear from reading the section, and the other revocation is a penalty, but if it is for cause that would take the matter into court.

Mr. HARDY. If the gentleman wants it clear, why not state that the action of the court shall determine this matter of the existence of the cause.

Mr. FLOOD. I will say to the gentleman that 11 years ago a bill was passed with this language in it, and it has been the law of this country for all of that time.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. HUDDLESTON. That bill the gentleman speaks of provided the permits might be granted to the parties now using the water.

Mr. FLOOD. I am not talking about that. That bill provided for revocable permits. This matter has been operated for 11 years under this language.

Mr. HARDY. Has it ever been revoked?

Mr. FLOOD. No.

Mr. HARDY. So there never has been any decision?

Mr. FLOOD. There never has been any decision, but the War Department and the permittees understand what the language means, and it seems to me unwise in the heat of debate to undertake to change language which is 11 years old, and which is understood by all of the parties who are dealing with the proposition.

Mr. HARDY. The gentleman from Indiana stated the situation. He wanted the inertia to rest with the Government. He wanted the other side to have the laboring oar, and the decision of the Secretary to be prima facie and in the first case effective. I do not believe that this bill makes it so.

Mr. FLOOD. I think the gentleman will find that it does.

Mr. BURNETT. Mr. Chairman, I offer the following substitute—

The CHAIRMAN. A substitute is already pending. The gentleman's substitute is not in order at this time.

Mr. BURNETT. It is a substitute for all of the amendments.

The CHAIRMAN. There is an amendment pending and an amendment to that amendment and a substitute. The question now is on the amendment offered by the gentleman from Kentucky [Mr. SHERLEY] to the amendment offered by the gentleman from New York [Mr. DEMPSEY].

Mr. STAFFORD. Mr. Chairman, let us have the substitute and the amendments reported again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment and the amendment to the amendment and the substitute.

There was no objection, and the Clerk again reported the amendment and the amendment to the amendment and the substitute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. SHERLEY] to the amendment offered by the gentleman from New York [Mr. DEMPSEY].

Mr. SAUNDERS. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. Debate upon the amendment has been exhausted.

Mr. SAUNDERS. Then I move to strike out the last three words. There is no such thing as exhausting these pro forma amendments.

Mr. MANN. That is an amendment in the third degree.

Mr. SAUNDERS. If anyone chooses to make a point of order upon any of these motions to strike out the last word or the last two words, or the last three words, it would of course require the Member making the motion to speak to the amendment.

The CHAIRMAN. If there is any possible limit to debate under the five-minute rule, it has been exhausted upon this amendment.

Mr. MANN. The gentleman could move to strike out the last word of the substitute and be in order.

Mr. SAUNDERS. I understand I can do that and be in order, and I understand also, that all of these pro forma amendments are conventions, and in substance amount to a request for unanimous consent. I want about two minutes, and will ask unanimous consent to address the committee on the pending amendments for two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SAUNDERS. Mr. Chairman, I wish to say that there seems to be some apprehension on the part of some members of the committee over the use of the word "revocable," and desire to call the attention of the members present to-day, who were not present last week, to the fact that the law under which the business at Niagara Falls has been largely developed, not only afforded the same power of revocation that appears in the present bill, but in order to clench the power of the Government over the concerns operating under the act, the law further contained a reservation of the right to amend, alter, or repeal at pleasure the privileges therein conferred. So that the power of the Government, so far as these permittees are concerned, under the act of 1908 was as sweeping and comprehensive as that afforded by the language used in the present bill. The lawmakers specifically wrote into that act the provision reserving the right to alter, amend, or repeal the same at pleasure. It is very desirable that this reservation should appear in our Federal statutes in order to prevent the question of vested rights from arising so as to hinder the exercise of our right of repeal.

Mr. MANN. That is inserted in this case.

Mr. SAUNDERS. I was merely calling attention to the fact that this reservation appeared in former act under which the companies at Niagara Falls heretofore have done business and developed their industries.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky to the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced the yeas appeared to have it.

Mr. HUDDLESTON. Mr. Chairman, I demand a division.

The committee again divided.

Mr. MILLER of Minnesota. Mr. Chairman, I suggest the members of the committee did not understand the question on which they were voting. Will the Chair restate the question?

The CHAIRMAN. The vote has already been taken and there were—yeas 38, yeas 15.

Mr. FLOOD. Mr. Chairman, I ask for tellers. Mr. Chairman, I withdraw the request.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I ask unanimous consent to withdraw the substitute.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw the substitute. Is there objection? [After a pause.] The Chair hears none. The question now is on the amendment offered by the gentleman from New York [Mr. DEMPSEY] as amended by the amendment of the gentleman from Kentucky.

Mr. SEARS. Read the amendment.

The question was taken, and the Chair announced the yeas seemed to have it.

Mr. HUDDLESTON. Mr. Chairman, I call for a division.

Mr. MANN. Mr. Chairman, I ask for the regular order.

Mr. GOODWIN of Arkansas. Mr. Chairman, I ask that the amendment be reported.

Mr. MANN. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The gentleman from Illinois demands the regular order. The gentleman from Alabama demands a division.

The committee again divided; and there were—yeas 27, yeas 61.

So the amendment was rejected.

Mr. SHERLEY. Mr. Chairman, I move to strike out the word "conditions," on page 2, line 7, just as a formal motion in order to make a statement to the gentleman from Virginia [Mr. FLOOD], and then I will offer a regular amendment. Lines 6 and 7, page 2, read:

All permits granted by authority of this act shall be granted upon the following conditions.

And then follows three subdivisions of conditions. Then there follow a number of sections which are also conditions. Now, I submit to the gentleman from Virginia [Mr. FLOOD] that the arrangement is unfortunate, because it might raise some question as to whether the only conditions are those that are named in sections 2 and 3, and perhaps a simplified form of the bill would be to have the language read "all permits granted by virtue of this act shall be subject to all subsequent provisions herein," and then change the word "first," in line 8, to the words "section 3," and then just number your sections on down. I do not understand the reason for having three conditions in section 2 and then the other conditions named as separate sections.

Mr. FLOOD. Well, the conditions, Mr. Chairman, in subdivisions 1, 2, and 3—section 3 of the bill then provides how a transfer of a permit shall be granted. It is not a condition upon which a permit is granted.

Mr. SHERLEY. Section 5 is, so is section 6, so is section 7.

Mr. FLOOD. Section 5 reads "that all permits issued pursuant to this act shall be for a determinate period"—well, Mr. Chairman, that may be a very good suggestion, and I accept the suggestion made by the gentleman.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment. On page 2, line 7, strike out all after the word "granted" and insert "subject to all provisions of this act."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, by striking out after the word "granted," in line 7, the remainder of the line and insert "subject to all provisions of this act."

The CHAIRMAN. The question is on the amendment.

Mr. SMITH of Minnesota. Mr. Chairman, I move to strike out the last word of the amendment. I want to ask the chairman of the committee—

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

Mr. SHERLEY. If the gentleman will permit, let us get this straightened out so as not to get into a tangle again.

The question was taken, and the amendment was agreed to.

Mr. ROGERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. Is it in order at this point to offer an amendment at the end of the first subdivision, namely, at the end of line 15, page 3? Has that portion of the bill been read?

The CHAIRMAN. All of section 2 has been read, and any amendment to any part of the section is in order.

Mr. ROGERS. I understand all of section 2 has been read?

The CHAIRMAN. Yes.

Mr. SHERLEY. If the gentleman will permit, I want to suggest that if all of section 2 has been read and is open to amendment, I desire to strike out the word "first," in line 8, page 2, and substitute the words "Section 3," and then I shall do that right on down.

The CHAIRMAN. The Chair will state for the benefit of the committee that the Clerk informs him that the bill has been read only down to the end of the first subdivision.

Mr. ROGERS. At the end of line 15, on page 3.

The CHAIRMAN. Yes; that would be in order.

Mr. ROGERS. I offer the following amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

Mr. DEMPSEY. Mr. Chairman, I have an amendment that precedes the amendment offered by the gentleman that I suppose, to be in order, should be offered first.

The CHAIRMAN. Will the gentleman withhold his amendment first?

Mr. ROGERS. I do not see how we can have these taken up actually in the order they appear in the bill.

Mr. FLOOD. By unanimous consent, an amendment can be offered to any of these subsections.

Mr. MANN. Not if they have not been read.

Mr. ROGERS. The Clerk read only to the end of line 15 on page 3.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The Clerk read as follows:

Amendment offered by Mr. ROGERS: On page 3, at the end of line 15, insert the following as a new sentence:

"In granting any permit the Secretary of War may, in his discretion, require that the permittee shall furnish all or any part of the electrical energy developed by it directly to a State, municipal corporation, or political subdivision thereof, or to ultimate consumers. Such requirement may be for the entire life of the permit or for such portion thereof as the Secretary of War shall stipulate."

Mr. FLOOD. Mr. Chairman, I discussed that with the gentleman from Massachusetts [Mr. ROGERS] and also with the author of the bill, and we are perfectly willing to accept the amendment.

Mr. ROGERS. I do not care to be heard, Mr. Chairman, if that is the case.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, there is a general request here among Members that that be again reported. They could not get the full purport of it.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. COOPER of Wisconsin. Mr. Chairman, I do not think we ought to adopt this in its present form, because it does not at all change a very objectionable feature of this bill. On page 2, beginning with line 8, it is provided:

That no permit shall be granted hereunder except to a State or municipal corporation, or political subdivision thereof, or to a public-service corporation or to a public-service agent of a State, duly constituted and authorized to engage in the business of furnishing to the public light, heat, power, or electric current—

And so forth.

Now turn to page 4, and the gentleman will find, at the beginning of line 15, after the semicolon:

And the permittee, after the completion of the works, shall operate the same continuously for the development and transmission of electric current, power, and energy for sale or for other commercial purposes.

The words "for other commercial purposes" are exceedingly important. They mean that the permittee may in his discretion sell or not sell electric current. We all know the facts. I read this from a letter written to the gentleman from Alabama [Mr. HUDDLESTON], on the 20th of last month, by Mr. Seymour Van Santwood, chairman of the Public-Service Commission of the State of New York:

HYDRAULIC POWER COMPANY.

It is understood that this company is limited by restriction of Federal authorities to the use of 6,500 cubic feet of water per second, which represents roughly 125,000 horsepower. At the load factor which exists in the case of the Niagara Falls Power Co., this would amount to 700,000,000 kilowatt hours per year.

This company sells mechanical power only, and for that reason is not under the jurisdiction of this commission.

I pause here to comment upon the elaborate arguments and statements that were made a week ago, that all was to be left to the New York State commission up there.

Mr. PARKER of New York. Will the gentleman yield?

Mr. COOPER of Wisconsin. I can not yield now.

It appears that about two-thirds of the power so sold is purchased by persons or corporations who are not subject to the commission's jurisdiction, and there is therefore no data available concerning such power. It seems to be the practice for such purchasers to own or lease the generators and cables by means of which the mechanical is converted into electrical power and conveyed to the point for use.

Now, as I understand that—and my colleague will correct me if I am not correct—it refers to largely what is known as the Schoellkopf Co.

Mr. HUDDLESTON. The Schoellkopf Co.—

Mr. COOPER of Wisconsin. That is a manufacturing company.

Mr. HUDDLESTON. I am not advised of that; but it has close relations to a great many industrial companies in Niagara who lease this power, and who lease industrial sites from it, and they are so interlocked it is practically impossible to find out who is who.

Mr. SMITH of Minnesota. Mr. Chairman, at this point I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Minnesota makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-one gentlemen are present, a quorum.

Mr. CLINE. Mr. Chairman, a provision of this bill, written on page 2—

Mr. COOPER of Wisconsin. Mr. Chairman—

Mr. CLINE. Has the gentleman finished?

Mr. COOPER of Wisconsin. No; I have not.

Mr. CLINE. I thought you surrendered to the gentleman to make the point of no quorum.

Mr. SMITH of Minnesota. He did not surrender.

Mr. CLINE. I want to call the committee's attention to this provision:

No permit shall be granted hereunder except to a State or municipal corporation or political subdivision thereof, or to a public-service corporation or to a public-service agent of a State—

Now, what next?—

duly constituted and authorized to engage in the business of furnishing to the public light, heat, power, or electric current.

They can not engage in the business unless they are public-service corporations. Now, reference was made to one of the power companies up there. The Schoellkopf people, or the Niagara Hydraulic Co., develop mechanical power. They sell that mechanical power to what is known as the Cliff Development Co., who transfer it to electrical energy and sell it to the customers of the Hydraulic Power Co.

Now, the principal purpose of including this provision is to compel all of these companies to become public-service corporations, so that they shall be completely under the control of the public-service agents of the State of New York or any other State that has the right to control the price of the electric energy that they create, so that the provision is clearly covered in this bill. No man and no company and no agents of the State of New York can get a permit under this bill unless they are a public-service corporation if we pass this bill.

Mr. SMITH of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. CLINE. I will.

Mr. SMITH of Minnesota. Is there any preference given under this bill to the existing companies at Niagara on the American side?

Mr. CLINE. There is no preference given in this bill. If the gentleman will read the first part of section 2, beginning with line 8, he will find that anybody can come in.

Mr. SMITH of Minnesota. Is not the primary purpose of this bill to permit the companies that are there to use an additional 4,200 cubic feet of water temporarily?

Mr. CLINE. Yes; temporarily.

Mr. SMITH of Minnesota. Under a resolution that passed Congress granting the right temporarily?

Mr. CLINE. Yes, sir.

Mr. SMITH of Minnesota. The gentleman from Wisconsin [Mr. COOPER] suggested that they had it extended a year or so, until we could get more facts concerning the matter. But the facts are, as I understand, that there are only two companies on the American side.

Mr. CLINE. The gentleman does not want to take up all my time, I know.

Mr. SMITH of Minnesota. Only a minute. I shall ask that the gentleman be given more time if he desires. There are only two companies on the American side at the present time. If it were not for the resolution we passed the other day, authorizing 4,200 cubic feet of water to be taken, they would not have that right, and the primary purpose of this bill is to permit them to use that 4,200 cubic feet. That is the purpose, is it not?

Mr. CLINE. That is not the purpose.

Mr. SMITH of Minnesota. Do you expect other companies to operate there?

Mr. CLINE. We can not forecast who will go there to use that water. We provide that any company can go in and use this water under this bill. Nobody is shown a preference. It is open to everybody.

The CHAIRMAN (Mr. SAUNDERS). The time of the gentleman from Indiana has expired.

Mr. HUDDLESTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts [Mr. ROGERS]. The bill does not specifically name the two concerns now operating at Niagara, but the bill is so drawn that nobody else could afford to go in there.

That is the criticism I have made of the bill from the beginning. I do not ask that my construction be accepted, but would like any Member who feels an interest in the matter and is acquainted with the situation at Niagara to read the bill carefully and see whether any other concern can go in there and get any of that power.

The amendment offered by the gentleman from Massachusetts [Mr. ROGERS] is a good one, so far as it goes. It proposes to place in the hands of the Secretary of War the power to require these generating concerns to get these permits to sell their electrical energy to the municipalities or public corporations. In other words, it provides for community ownership, municipal ownership, of the power after it is generated, and to that extent I commend the amendment. I think it is enlightened and proceeds in the right direction.

The fault I find with the amendment is that it is based upon the conception that we are bound to have some private interests standing between this water and the municipal ownership or the community ownership. If it is fit and right that the communities in western New York should be enabled to avail themselves of the current without a middle man or distributee in the shape of these private concerns, why should they not be permitted to generate the power themselves? Why do we provide for giving some exploiting interest a take-out? Why do we insist that the people shall pay a profit to some private concern? Why do we not take a lesson from Canada? It is not an experiment at Niagara; not at all. There is a community experiment going on right there now. It is not going on on the American side, but it is going on on the Canadian side. It is proving a tremendous success; such a success that the people of Ontario are paying for power only from one-third to one-half of what is paid for it on the American side. Yet the power is just as close to one country as to the other. Why is it? Is it because we are recognizing vested rights? Do we insist that these private interests are entitled to be there? There is no lawyer here but will tell you that they have no legal basis for their position.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. COX. That is very interesting to me. Why is it that they are getting power on the Canadian side cheaper than on our side?

Mr. HUDDLESTON. I will explain it to the gentleman.

In Canada they have a public commission, chartered by the Province of Ontario, and they take power from one of the generating concerns at Niagara Falls, 100,000 horsepower, that they get for \$9 a horsepower. They also generate electric energy at nine different plants outside of Niagara, up into Ontario, clear over to the Port Arthur country, a thousand miles away. They are generating it at nine different generating stations, making the power themselves and delivering it to the people of Ontario at the cost of production plus an administration and amortization charge.

Mr. COX. Are they required to deliver it at cost?

Mr. HUDDLESTON. They are required to deliver it at cost plus administration and under a plan of amortization in 30 years.

Mr. COX. In other words, the Government of the Dominion of Canada owns the generating plant?

Mr. HUDDLESTON. Yes; just as the government of a State, through a city, owns an electric plant; just as the State of Ohio, through the city of Cleveland, owns a steam-generating plant in the city of Cleveland that sells current at 3 cents a kilowatt hour, while in Buffalo and Niagara the people are paying 8 cents per kilowatt hour.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. LINTHICUM. Is it not a fact that on the Canadian side the Government went in there and said, "If you will furnish us this power at \$9, we will guarantee your securities to a certain extent and become a partner in the enterprise?"

Mr. HUDDLESTON. Not at all.

Mr. LINTHICUM. I think that is so.

Mr. HUDDLESTON. I am not so informed.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word.

Mr. FLOOD. Mr. Chairman, I would like to reply to the gentleman.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. MILLER of Minnesota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Minnesota. Has not the gentleman from Alabama [Mr. HUDDLESTON] just recently been recognized and occupied his full time?

Mr. HUDDLESTON. I rise in opposition.

Mr. MILLER of Minnesota. How many times are you going to be recognized?

Mr. HUDDLESTON. Just as often as I can be recognized.

Mr. MILLER of Minnesota. You will not be recognized out of your order if I can stop it.

Mr. FLOOD. The Chairman recognized me.

Mr. MILLER of Minnesota. I make the point of order that the gentleman should not be recognized.

Mr. FLOOD. The Chair recognized me.

Mr. HUDDLESTON. May I, as a friend of the court, direct the attention of the Chair to the fact that I rose in opposition

to the motion of the gentleman from Massachusetts [Mr. ROGERS] to amend—

The CHAIRMAN. The Chair will state the exact parliamentary situation. The gentleman moves to strike out the last word. That is, in substance, a request for unanimous consent, because if objection is made the gentleman is confined to debate on his amendment to strike out the last word, and he can not get anywhere with it. The gentleman from Virginia [Mr. FLOOD] asks recognition, and the Chair recognizes the gentleman.

Mr. FLOOD. Mr. Chairman, I merely want to call the attention of the House—

Mr. HUDDLESTON. I rise to a point of order. Debate is exhausted on the amendment.

Mr. LINTHICUM. Oh, I hope the gentleman will not do that.

Mr. HUDDLESTON. Why, certainly I will. If I can not be heard, nobody else shall be.

Mr. FLOOD. I simply want to call attention to the fact—

The CHAIRMAN. The point of order is made that debate on this amendment is exhausted.

Mr. MILLER of Minnesota. I suggest that the gentleman can be recognized in opposition to the motion made by the gentleman from Alabama [Mr. HUDDLESTON].

Mr. FLOOD. Mr. Chairman, I will not ask for any time for myself, but I ask unanimous consent that the gentleman from Massachusetts [Mr. ROGERS], who offered the amendment, be given five minutes to explain his amendment.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from Massachusetts who offered the amendment have five minutes to explain his amendment. Is there objection?

Mr. HUDDLESTON. I couple with that the request that I may have five minutes to proceed with the discussion of this Canadian situation.

Mr. MILLER of Minnesota. Then I will object.

Mr. LINTHICUM. I object.

The CHAIRMAN. That can not be coupled with the request, except by unanimous consent.

Mr. HUDDLESTON. Nothing can be done except by unanimous consent.

The CHAIRMAN. The Chair puts the request of the gentleman from Virginia [Mr. FLOOD]. Is there objection?

Mr. HUDDLESTON. I object.

The CHAIRMAN. The gentleman from Alabama objects.

Mr. SMITH of Minnesota. I move to strike out the last two words.

The CHAIRMAN. The Chair has already indicated that that motion is in substance a request for unanimous consent. If the point of order is made that the gentleman must confine himself to his amendment, he can not discuss anything.

Mr. GARDNER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER. After the motion to strike out the last word is voted on and defeated, or even if it is carried, then would it not be in order to move to strike out the last two words, and to proceed to discuss that?

The CHAIRMAN. It is in order, technically. Substantially, however, if the gentleman makes that motion, and the point is made that he must confine himself to his amendment, he can not proceed with these general discussions that we have on the motion to strike out the last word, or the last two words. In substance it is nothing in the world but a request for unanimous consent.

Mr. GARDNER. If the Chair will excuse me—

Mr. LINTHICUM. Objection has been made to the author of the amendment explaining it, and now if some one else is recognized to move to strike out the last two words, I give notice that I shall make him confine himself to the discussion of the last two words.

The CHAIRMAN. The gentleman offers an amendment to strike out the last two words. Now we will await the action of the committee. If the point of order is made that the gentleman must discuss his amendment, he will have to speak to the last two words, and nothing else.

Mr. SMITH of Minnesota. Mr. Chairman, I withdraw my amendment, and I move to strike out the last four lines of the amendment.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to withdraw his amendment, to strike out the last two words. Is there objection?

Mr. LINTHICUM. I object.

The CHAIRMAN. The gentleman objects. It requires unanimous consent in Committee of the Whole.

Mr. SMITH of Minnesota. Do I understand, Mr. Chairman, that I have the floor?

The CHAIRMAN. The gentleman has the floor.

Mr. SMITH of Minnesota. Mr. Chairman, the amendment that has been offered by the gentleman from Massachusetts would, to my mind, be an unwise one to adopt.

Mr. LINTHICUM. Mr. Chairman, I make the point of order that the gentleman is not confining himself to the last two words.

The CHAIRMAN. The gentleman must confine himself to his amendment.

Mr. MANN. I rise to discuss the point of order. I think the Chair is slightly in error. A motion to strike out the last two words involves the whole paragraph under discussion. You can not discuss the last two words of a paragraph without liberty to discuss the paragraph. I will say to the Chair that that ruling has been made a great many times in the House. Of course, you can not go to subjects that are not connected in some way with the last two words of the amendment.

Mr. LINTHICUM. Will the gentleman yield for a question?

The CHAIRMAN. What distinction has ever been made between the motion to strike out the last two words and the motion to strike out the last word?

Mr. MANN. No distinction.

The CHAIRMAN. The invariable ruling has been that where a motion to that effect is made, the Member making it must confine himself to the subject of the amendment, the last word or the last two words.

Mr. MANN. He is not confined to the words. There has been no such ruling.

The CHAIRMAN. He is confined to the amendment.

Mr. MANN. He is confined to the effect of striking out the word or the paragraph.

The CHAIRMAN. If the gentleman will proceed in order, and confine himself to the amendment, the Chair will allow him to proceed, but he must confine himself to his amendment.

Mr. SMITH of Minnesota. The Chair and the "gentleman from Minnesota" are not in agreement as to just what has taken place.

The CHAIRMAN. Let the amendment be reported, so that the Chair can see whether he has stated it.

Mr. SMITH of Minnesota. I made a motion to strike out the last four lines. The motion I made, may it please the Chair, was to strike out the last four lines of the amendment.

The CHAIRMAN. But the gentleman could not do that, because he had previously made a motion to strike out the last two words. He requested unanimous consent to withdraw that motion, but objection was made. The motion to strike out the last two words is the pending motion.

Mr. SMITH of Minnesota. Very well. If they want to vote upon it, I am willing. If they are willing that I should proceed, I am ready to proceed.

The CHAIRMAN. If the gentleman wishes to discuss his amendment to strike out the last two words, let the Clerk report the last two words and see what they are.

Mr. SMITH of Minnesota. The last two words are "shall stipulate."

The CHAIRMAN. The gentleman rises to discuss the amendment to strike out "shall stipulate."

Mr. SMITH of Minnesota. May it please the Chair, this is very unwise, exceptionally unwise, to leave in a law as important as this the words "shall stipulate." The stipulation in any contract should be thoroughly considered, should be weighed carefully, and I assure the members of this committee that no consideration whatever has been given to these words except by a few members of the committee and the author of the bill. It will change the whole effect of the bill if you leave those words in.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. SMITH of Minnesota. Yes.

Mr. MILLER of Minnesota. Does not the gentleman think that it would help it if we changed "shall" to "will"?

Mr. HASTINGS. Can not the gentleman find some other substitute or synonym for the word "stipulate"?

Mr. SMITH of Minnesota. Yes; "agree" is a good synonym. We are authorizing the Secretary of War to stipulate away the rights of the public in its water powers. That is the question at issue. We are taking from this Congress and the people of this country the right to say what shall be done with the public's water powers and authorizing the Secretary of War to dispose of them to his friends. [Applause.]

No civilized country would for an instant consider the inauguration of such legislation. There is not a progressive country in the world to-day but what has water-power legislation that

would serve as an example for us to follow; but we shirk our duty day after day by turning over to the executive departments of the Government the right to legislate. We are permitting them to "stipulate" as to what we will do with our water powers and what our interests shall be, if any, in the natural resources of the country. This is stipulating with a vengeance. Are we not paying too dear for our whistle? Is a seat in this House worth the price of such a stipulation? Why should we play the part of dupes for the Hydroelectric Trust? Is it conceivable that our constituents will not discover that their rights have been surrendered to their enemies?

Mr. SLOAN. Will the gentleman yield?

Mr. SMITH of Minnesota. I will.

Mr. SLOAN. Does the gentleman think that stipulation would give way to capitulation?

Mr. SMITH of Minnesota. Most assuredly; we would be capitulating to the bureaucracy which is becoming so powerful that the Congress sets up and takes notice every time the Secretary of War comes before us and tells us what he wants to do in reference to water-power legislation. That is the condition we are getting into. It is time that we stopped stipulating and began legislating in the interest of the public. [Applause.]

Mr. FLOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FLOOD. I would like to know if all of section 2 of this bill has been read.

The CHAIRMAN. The Clerk informs the Chair that it has not.

Mr. FLOOD. Mr. Chairman, my understanding is that the bill ought to be read by sections. All bills, except appropriation bills, are read by section before there is any opportunity offered for amendment. I had an impression that there was unanimous consent to read it by paragraphs, but I have not yet had the opportunity to look it up.

Mr. ROGERS. Would not the result of the amendment offered by the gentleman from Kentucky [Mr. SHERLEY] be that the paragraph would become a section, and so the principle is very much the same.

Mr. FLOOD. I do not think that amendment was adopted. I was trying to find what the unanimous consent was, but I have not yet found it in the RECORD. My recollection is that the unanimous consent was obtained to offer amendments to any paragraph after we got through reading the entire section, but I may be mistaken about that. If I am not, I make the point of order that the section must be read before the amendment is offered.

Mr. HUDDLESTON. Mr. Chairman, I rise for a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUDDLESTON. Does the Chair propose to stop debate while this question is being looked up?

The CHAIRMAN. The Chair thinks that the bill is required to be read by sections.

Mr. HUDDLESTON. But in case there was unanimous consent that it be read by paragraph—

The CHAIRMAN. The Chair does not undertake to pass on that.

Mr. HUDDLESTON. I think such an agreement was made in connection with this bill.

The CHAIRMAN. If such was the unanimous consent, that controls the consideration of the bill.

Mr. FLOOD. Mr. Chairman, I move that debate on this paragraph and on all amendments thereto be closed.

Mr. HUDDLESTON. I make the point of order that a motion is already pending.

The CHAIRMAN. All debate is exhausted.

Mr. HUDDLESTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota [Mr. SMITH].

Mr. FLOOD. Mr. Chairman, I would like to ask unanimous consent that the gentleman from New York [Mr. DEMPSEY] may be permitted to offer an amendment. I make the motion that all debate on this paragraph and amendments thereto be closed.

Mr. HUDDLESTON. And I move to amend that motion by adding "after three amendments have been offered to it," if gentlemen desire to offer so many.

Mr. ROGERS. That is in addition to the one now pending.

Mr. SMITH of Minnesota. What section are we talking about?

Mr. FLOOD. Paragraph 1 of section 2.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I want to say to the chairman of the committee that I have an amendment that I would like to offer to that paragraph.

Mr. FLOOD. And I would like to have the amendment offered.

Mr. HUMPHREYS of Mississippi. I do not want to offer it unless I can have five minutes to debate it.

Mr. GARDNER. Mr. Chairman, I make the point of order that the motion to close debate is not debatable.

The CHAIRMAN. The gentleman is correct.

Mr. SMITH of Minnesota. Mr. Chairman, what has become of my motion to strike out the last two words?

The CHAIRMAN. The Chair will state that that will be put after the motion of the gentleman from Virginia is disposed of. The gentleman from Virginia moves to close debate.

Mr. HUDDLESTON. But, Mr. Chairman, I moved to amend that motion.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, may I make a unanimous request at this time?

The CHAIRMAN. What is the gentleman's request?

Mr. HUMPHREYS of Mississippi. I have an amendment I would like to offer to the paragraph, and I want five minutes to discuss it in.

The CHAIRMAN. Does the gentleman make that as a motion?

Mr. HUMPHREYS of Mississippi. No; I make it as a unanimous request.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that without regard to the motion made by the gentleman from Virginia [Mr. Flood] that he shall have five minutes to submit an amendment and discuss the same.

Mr. HUDDLESTON. I wish to amend that by adding five minutes additional.

Mr. MANN. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman from Alabama will send up his amendment to the amendment of the gentleman from Virginia. The Clerk will report it.

The Clerk read as follows:

Mr. HUDDLESTON moves to amend the motion of Mr. Flood by adding to it "after three additional amendments have been offered, and debate had thereon."

Mr. MANN. Mr. Chairman, while I do not think that amendment is in order, I do not make the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 9, noes 56.

Mr. HUDDLESTON. Mr. Chairman, I demand tellers, and pending that I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and ten Members present, a quorum. The gentleman demands tellers.

Tellers were refused.

So the amendment to the motion of the gentleman from Virginia was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Virginia to close debate.

Mr. HUDDLESTON. Mr. Chairman, I move to amend that motion by inserting the words "after 10 minutes."

The CHAIRMAN. The question is on the amendment of the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 11, noes 90.

So the amendment to the motion of the gentleman from Virginia was rejected.

Mr. HUDDLESTON. Mr. Chairman, I offer to amend the motion by providing that the debate shall close after five minutes, which time shall be used by the gentleman from Massachusetts [Mr. Rogers].

The CHAIRMAN. The question is on the amendment of the gentleman from Alabama to the motion of the gentleman from Virginia.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Virginia to close debate.

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 70, noes 10.

So the motion was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Minnesota [Mr. Smith] to strike out the last two words.

The question was taken, and the Chair announced that the motion was agreed to.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Massachusetts [Mr. Rogers].

The Clerk again reported the amendment offered by the gentleman from Massachusetts [Mr. Rogers].

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

Mr. HUDDLESTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUDDLESTON. Do I understand the last two words were stricken out?

The CHAIRMAN. Yes.

Mr. HUDDLESTON. Then I move to amend the amendment by inserting at the end of it the words "may stipulate."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

Mr. GARDNER. Mr. Chairman, I ask that the Clerk report the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out the last two words, "shall stipulate," and inserting the words "may stipulate."

Mr. HUDDLESTON. Mr. Chairman, a parliamentary inquiry. That does not state the situation correctly. Those two words, "shall stipulate," were stricken out on the motion of the gentleman from Minnesota [Mr. Smith].

The CHAIRMAN. Oh, no; the motion of the gentleman from Minnesota was voted down.

Mr. HUDDLESTON. The Chair stated that it was agreed to.

The CHAIRMAN. If the Chair did so state, it was an inadvertent statement. The amendment was rejected.

Mr. HUDDLESTON. I withdraw my amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts [Mr. Rogers].

The question was taken; and on a division (demanded by Mr. ROGERS) there were—ayes 24, noes 42.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. HUDDLESTON. Mr. Chairman, I have an amendment that I desire to offer to the paragraph.

The CHAIRMAN. A point of order was made a moment ago with respect to the reading of this bill by sections. What was ascertained with respect to the unanimous-consent agreement?

Mr. FLOOD. Mr. Chairman, on referring to the Record I find the following:

Mr. Flood. I ask unanimous consent that the amendments may be offered by paragraph.

Unanimous consent was given, so that I should think the gentleman would have the right to offer the amendment.

The CHAIRMAN. The gentleman will send up his amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 1, after the words "shall be," insert the words "just and reasonable and shall be."

Mr. HUDDLESTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUDDLESTON. I would like to have the construction of the Chair as to the scope of the motion of the gentleman from Virginia to close debate, which was agreed to.

The CHAIRMAN. The motion to close debate was upon the paragraph and all amendments thereto.

Mr. HUDDLESTON. Does that refer to paragraph No. 2?

The CHAIRMAN. It referred to the paragraph which was under discussion.

Mr. FLOOD. That was paragraph No. 1.

Mr. HUDDLESTON. The paragraph under discussion was the first paragraph of section 2.

The CHAIRMAN. The Chair will say that the motion to close debate related to the first paragraph.

Mr. HUDDLESTON. To section 2?

The CHAIRMAN. Yes.

Mr. HUDDLESTON. Mr. Chairman, in support of the amendment which I have just offered—

Mr. MILLER of Minnesota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Minnesota. Has not debate been exhausted on the amendments to the first paragraph?

The CHAIRMAN. It has. The Chair did not know for what purpose the gentleman from Alabama rose.

Mr. MILLER of Minnesota. I make the point of order that debate is exhausted.

The CHAIRMAN. Debate has been exhausted on all amendments to paragraph 1.

Mr. HUDDLESTON. This is not an amendment to paragraph 1.

Mr. FLOOD. The other paragraph has not yet been read.

Mr. HUDDLESTON. Mr. Chairman, there are a number of paragraphs to section 2.

Mr. MILLER of Minnesota. I make the point of order that the gentleman is not discussing the paragraph.

Mr. HUDDLESTON. I am discussing the point of order.

Mr. MILLER of Minnesota. I make the point of order that debate is closed.

The CHAIRMAN. The Chair understands that the gentleman from Alabama is propounding a parliamentary inquiry.

Mr. HUDDLESTON. Mr. Chairman, there are a number of paragraphs in section 2. I understand that part of those paragraphs have not been read. I understood debate was closed on the first paragraph in section 2.

The CHAIRMAN. It was.

Mr. HUDDLESTON. Now, my amendment is to the second paragraph of section 2.

Mr. MILLER of Minnesota. Mr. Chairman, I make the point of order it has not been read yet.

The CHAIRMAN. The Chair is advised that the paragraph has not been read.

Mr. HUDDLESTON. The Chair is incorrectly advised.

The CHAIRMAN. The Clerk advises the Chair that all of that paragraph has been read.

Mr. HUDDLESTON. The second paragraph?

The CHAIRMAN. That the paragraph to which the gentleman's amendment is directed comes within the motion already made to close debate.

Mr. HUDDLESTON. Does the Clerk advise the Chair that or is that the Chair's decision?

The CHAIRMAN. That is what the Clerk advises the Chair as to the situation in regard to the reading of the bill.

Mr. SHERLEY. Mr. Chairman, I desire to offer an amendment: On page 2, line 8, strike out the word "first" and insert the words "section 3."

The CHAIRMAN. Did the gentleman from Alabama offer an amendment?

Mr. HUDDLESTON. I did; and it was read and I claimed the right to debate it, which the Chair held I could not have.

The CHAIRMAN. The gentleman has no right to debate because that is covered by the motion of the gentleman from Virginia. The question is on the amendment of the gentleman from Alabama.

The question was taken, and the Chair announced the yeas appeared to have it.

On a division (demanded by Mr. HUDDLESTON) there were—ayes 6, yeas 37.

Mr. HUDDLESTON. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and ten Members are present, a quorum.

So the amendment was rejected.

Mr. SHERLEY. Mr. Chairman, I offer an amendment: On page 2, line 8, strike out the word "first" and insert the words "section 3."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, line 8, by striking out the word "first" and inserting the words "section 3."

The question was taken, and the Chairman announced the yeas appeared to have it.

On a division (demanded by Mr. HUDDLESTON) there were—ayes 40, yeas 5.

So the amendment was agreed to.

Mr. SMITH of Minnesota. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

Mr. HUDDLESTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUDDLESTON. I sent up an amendment—

The CHAIRMAN. The Chair will recognize the gentleman in a moment. He has recognized the gentleman from Minnesota.

Mr. HUDDLESTON. But I have already sent my amendment up.

The CHAIRMAN. The Chair will say that that does not give his amendment a prior status. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amend, on page 3, line 8, after the colon, by inserting: "Provided further, That all Army engineers detailed by the Secretary of War to gather information and make report to the War Department, in reference to the establishment of rates and service, be placed upon the pay roll of the Hydroelectric Trust during the time such engineers are engaged in such work and be dropped from the pay rolls of the United States Government for such period."

Mr. SMITH of Minnesota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Minnesota. I understood when the chairman of the committee made his request that simply included the paragraph on top of page 2, and I think a number of the other Members thought so. The gentleman from Kentucky [Mr.

SHERLEY] has suggested an amendment to strike out the word "first" and insert the words "section 3," and it seems that was adopted to the second paragraph on page 2. Now, it does seem an amendment of this importance should have an opportunity to be discussed, and if there is any doubt I would ask unanimous consent of the committee to state the reason for the amendment which I have offered.

The CHAIRMAN. The Chair understands the situation from the officer at the desk that the paragraph to which the motion of the gentleman from Virginia applied goes down to the end of line 15, page 3.

Mr. SMITH of Minnesota. Mr. Chairman, I ask unanimous consent to discuss the amendment which I have sent to the Clerk's desk.

Mr. FLOOD and Mr. McARTHUR. Mr. Chairman, I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HUDDLESTON: Page 3, line 14, after the words "actually to," strike out the remainder of the paragraph and insert the following: "use the water diverted for the generation of hydroelectric energy and to sell all such energy, except such as the permittee may require in the operation of its generation works, direct to consumers thereof."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the Chairman announced the yeas seemed to have it.

Mr. HUDDLESTON. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 17, yeas 47.

Mr. HUDDLESTON. Mr. Chairman, I ask for tellers.

Tellers were refused.

So the amendment was rejected.

Mr. DEMPSEY. Mr. Chairman, I have sent up an amendment to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amend, on page 3, line 3, by striking out all of said line.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced the yeas seemed to have it.

Mr. DEMPSEY. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 34, yeas 26.

Mr. STAFFORD. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee proceeded to divide.

Mr. DEMPSEY (while the committee was dividing). Mr. Chairman, I ask unanimous consent to withdraw the amendment.

Mr. HOWARD. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Georgia objects, and the vote will proceed.

The committee divided; and the tellers [Mr. STAFFORD and Mr. DEMPSEY] reported—ayes 14, yeas 31.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. SMITH of Minnesota. Mr. Chairman, I offer another amendment to paragraph 1.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SMITH of Minnesota: Amend, on page 3, line 15, after the word "current," by inserting "to the public."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Second. No permit shall be granted until such plans and specifications for the structures, canals, and other works constructed, or proposed to be constructed, for the generation of power, together with such drawings of said construction and such map of location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and the Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such construction; and when the plans and specifications for any such construction have been approved by the Chief of Engineers and the Secretary of War, it shall be unlawful to deviate from such plans and specifications, either before or after completion of the structures, unless the modification of such plans and specifications shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

Third. The permittee shall begin the actual construction of the works and the several parts thereof within one year from the date of issuance of the permit unless that time, for good cause shown, be extended not more than one year by the Secretary of War; and said permittee shall complete said works within two years from the beginning of actual construction unless, for good cause shown, that time be extended not more than two years by the Secretary of War; and

the permittee, after the completion of the works, shall operate the same continuously for the development and transmission of electric current, power, and energy for sale or for other commercial purposes, and to the extent deemed necessary by the Secretary of War and the Chief of Engineers, unless prevented therefrom by unavoidable accident or delay, in which case, upon showing made to that effect, this requirement may be waived by the Secretary of War.

Fourth. The Secretary of War shall specify in each permit granted hereunder the rate of flow per second of the diversion authorized and the efficiency which must be attained with the water used and which shall not be less than 20 horsepower per cubic foot. *Provided*, That the efficiency of use, the method and manner of measuring efficiency of use, the method and manner of measuring diversion, and the method and manner of supervising and inspecting operations under the permit shall be in accordance with the recommendations made by the Chief of Engineers and approved by the Secretary of War: *Provided further*, Whenever it shall appear to the Secretary of War that the diversion of water for power purposes under any permit so issued is not being utilized to its required standard of efficiency as approved by him, or that the power plant as constructed is not sufficient to meet the available flow and the proper degree of practical generation and utilization, or that the public interests are not being properly conserved or protected in the generation, transmission, distribution, use, or sale of power generated from the water diverted it shall be his duty, after giving the parties interested reasonable opportunity to be heard, to notify and order the permittee to make the necessary changes, stating in such notice the changes required to be made, and prescribing in each case a reasonable time in which to make them.

Mr. SMITH of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SMITH of Minnesota: Amend, on page 4, by striking out all of line 16, after the word "shall," and all of lines 17, 18, 19, 20, 21, 22, and 23 and inserting in lieu thereof the following:

"The permittee, after the completion of the works, shall, to the extent the public may demand current, operate the same continuously, as provided in subsection 4 heretofore, for the development and transmission of electric current, power, and energy for sale for public use and purposes, unless prevented therefrom by unavoidable delay; and the failure on the part of the permittee to comply with the foregoing conditions and requirements shall be deemed a violation of the provisions of this act."

Mr. FLOOD. Mr. Chairman, I rise to a parliamentary inquiry. The committee, by unanimous consent, agreed to consider this bill by paragraphs, and not by sections. Is it not too late to offer an amendment to this paragraph?

The CHAIRMAN. The Chair understood that it was an agreement formerly made to read by paragraphs, and that amendments could be offered to the different paragraphs.

Mr. BURNETT. As read.

The CHAIRMAN. All has been read now, as the Chair understands it, down to section 3. The gentleman from Minnesota [Mr. SMITH] has offered an amendment.

Mr. FLOOD. We have read to section 3. And my inquiry is if amendments are not limited to paragraph 4 of section 2 under that unanimous-consent agreement?

The CHAIRMAN. The Chair would not so construe it. He thinks amendments may, under this agreement, be offered to the second, third, and fourth.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry. I find on page 2186 of the RECORD, containing the proceedings of the last time this bill was under consideration, that the following took place:

The CHAIRMAN. The Clerk has not finished reading the section.

Mr. SHERLEY. Mr. Chairman, a parliamentary inquiry. I would like to inquire whether it is not in order to offer amendments to the various paragraphs of the bill without regard to the section? Otherwise we are going to be required to go through three or four pages dealing with different matters without being able to amend, and I suggest that it will make a rather inconvenient consideration of the bill.

The CHAIRMAN. The rule for the consideration of a bill like this is to consider it by sections. We consider appropriation bills by paragraphs.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that the amendments may be offered by paragraphs.

Mr. DEMPSEY. I will ask the gentleman from Virginia if it may not be understood that in that we have the right reserved to offer an amendment to the first paragraph. We are on the second.

Mr. FLOOD. Yes.

The CHAIRMAN. The rule is that appropriation bills are read by paragraphs and the others by sections. The gentleman from Virginia asks unanimous consent that this bill be read by paragraphs.

Mr. STAFFORD. With a supplemental provision that amendments may be in order to the first paragraph, which has already been read.

The CHAIRMAN. With the understanding that amendments may be in order to the first paragraph, which has already been read. Is there objection?

There was no objection.

So I take it that there is no question but that consent was obtained to consider this bill by paragraphs.

The CHAIRMAN. The Chair has for the first time been apprised of what the understanding was. After inspecting it, the Chair thinks that it should be considered by paragraphs.

Mr. STAFFORD. We have been proceeding under an erroneous impression since the reading down to line 15, page 3, and I think, in view of the misapprehension of some of the Members,

there should be some opportunity to consider these paragraphs by paragraphs and not have the gentleman foreclose the right of offering amendments to the paragraphs.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota [Mr. SMITH] have leave to offer the amendment that he proposes.

Mr. MILLER of Minnesota. Reserving the right to object, how many amendments? Let us find out how many.

Mr. SMITH of Minnesota. In reply to that, has the time arrived in this House that a gentleman can not offer amendments to the bill?

Mr. MILLER of Minnesota. If he offers them in good faith, but if he offers them for the purpose of filibustering, no.

Mr. McARTHUR. Mr. Chairman, I object.

Mr. LONGWORTH. I did not understand from the reading of the RECORD that unanimous consent had actually been given.

The CHAIRMAN. I think it was granted.

Mr. STAFFORD. I read, Mr. Chairman, that the Chairman stated there was no objection.

The CHAIRMAN. The Chair understood it that way.

Mr. FLOOD. There was unanimous consent undoubtedly.

Mr. LINTHICUM. Will the gentleman from Wisconsin [Mr. STAFFORD] yield?

Mr. STAFFORD. I yield.

Mr. LINTHICUM. I want to say to the gentleman that we have not been proceeding under any erroneous construction. The gentleman from Virginia stated that a unanimous-consent agreement had been agreed to.

Mr. MANN. The gentleman from Virginia stated a while ago that he did not know.

Mr. STAFFORD. The gentleman occupying the chair has just said that he was under an erroneous impression.

Mr. LINTHICUM. I do not care what the gentleman said.

Mr. STAFFORD. It is only fair that the gentleman have the right to offer an amendment.

Mr. FLOOD. I hope the gentleman will not be cut off from his right of offering an amendment at the proper time. I propose to limit debate on the three paragraphs and the amendments by offering a motion to limit debate.

Mr. McARTHUR. Mr. Chairman, I withdraw my objection.

The CHAIRMAN. The question is on the request for unanimous consent made by the gentleman from Illinois [Mr. MANN]. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Minnesota [Mr. SMITH] is recognized.

Mr. SMITH of Minnesota. Mr. Chairman, my purpose in offering this amendment is to limit the discretionary power of the Secretary of War. I think just as much of the Secretary of War as any Member on this floor; it is the principle involved and not the man. But I do believe that in enacting legislation we should do it with some definiteness, and not leave it for the Secretary of War or any officer of this Government to determine what the legislation shall be.

The portion of the bill which I ask to amend is as follows:

The permittee, after the completion of the works, shall operate the same continuously for the development and transmission of electric current, power, and energy for sale or for other commercial purposes, and to the extent deemed necessary by the Secretary of War and the Chief of Engineers, unless prevented therefrom by unavoidable accident or delay, in which case, upon showing made to that effect, this requirement may be waived by the Secretary of War.

Now, I contend in all seriousness and fairness that the Secretary of War should not be the sole judge in every case; that we can define, as my amendment does, that this power should be used to its full extent so long as there is a public demand for it.

Mr. McARTHUR. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Minnesota. Yes.

Mr. McARTHUR. Is it not the purpose of the gentleman's amendment to make public-service concerns, such as these cities and towns, purchasers of this power?

Mr. SMITH of Minnesota. Oh, no. The gentleman misunderstands it. There has been so much misunderstanding to-day and so little thought given to this important question that I am not at all surprised at my friend from Oregon. Not at all. He is pardonable. I have no purpose in offering this amendment except to get the best legislation we can get. I am just as much in favor of seeing Niagara Falls developed and seeing the companies there get this power as the men who bring in this bill, for that is their purpose, although they will not tell us what the purpose is. They seem to be afraid to trust us with the facts, as is evidenced by their bill, all of which makes me very suspicious of just what the Secretary of War will do when he gets the authority to give the companies a new permit. One would imagine that some sort of an understanding has been arrived at. If not, why not put a preferential clause in the bill?

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Minnesota. Yes.

Mr. FLOOD. What is the gentleman's statement?

Mr. SMITH of Minnesota. My statement is that the gentlemen who bring in this bill know that the purpose of the legislation is to give the two hydroelectric concerns at Niagara Falls the right to use the additional 4,200 cubic feet of water.

Mr. FLOOD. I can answer the gentleman.

Mr. SMITH of Minnesota. No; I decline to yield.

Mr. PARKER of New York. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from New York?

Mr. SMITH of Minnesota. No; I can not yield now. I believe this bill ought to carry the preferential right, giving these companies the right to take that power under the law that we pass to-day. Why? Let us be fair. Let us come out of the woods and say that we are enacting this legislation for those companies if they comply with our conditions. But let us make those conditions fair and reasonable to the public.

All that you have done in this bill and all that you have apparently tried to do, whether you intend to do so or not, is to turn over the right to use this 4,200 cubic feet of water to the Secretary of War, to give it to whomsoever he sees fit; not only to give it to a particular grantee, but after the grantee has been given the right he may run it as the Secretary of War pleases, in total disregard of the commission of the State of New York or any other State.

This bill deserves consideration. I take issue with any man who says I am here filibustering against this bill. I am not. I want to see those companies get that power, but under such safeguards and regulations as will protect the rights of the public.

In the past I have tried to get legislation that would give the State of Minnesota and the Twin Cities a preferential right to secure the power at the high dam between the cities, and a number of the Members of this House, especially on the Republican side, who were opposed to the Twin Cities getting this preferential right, are to-day insisting that this bill be passed without any time being given for its consideration. Of course, the bill itself contains no preferential clause, but the Secretary of War is given the right to grant this power to the present corporations. This may serve as an excuse for the inconsistency of my distinguished colleagues that are so anxious that this bill be passed at once without debate or amendment.

My present attitude is, at least, consistent with my former position, as I am in favor of giving to these two power companies the preferential right to get this additional water. They have invested their money. They have equities there. The State of New York has equities there. And do you suppose that we, as sensible men, are going to take that away from them without giving them an opportunity to bid for this power? What is there in this bill that requires the Secretary of War to sell this power to the highest bidder and for the best interest of the United States? Not a single line. Yet a number of the Members who are supporting it insist that other power bills that passed this House must contain a provision that the Secretary of War must grant the permit to the party that would make the highest bid for it, or, in other words, pay the most money. Where are these great friends of the public to-day? What has become of their conservation convictions?

Mr. HUDDLESTON. Mr. Chairman, I rise to oppose the amendment.

Mr. SMITH of Minnesota. Mr. Chairman, I ask for five minutes more.

Mr. FLOOD. I object, Mr. Chairman.

Mr. HUDDLESTON. Mr. Chairman, I rise to oppose the amendment.

Mr. PARKER of New York. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Virginia desire recognition?

Mr. FLOOD. I desire a gentleman over there to have recognition in my place.

The CHAIRMAN. Is the gentleman from New York [Mr. PARKER] a member of the committee?

Mr. PARKER of New York. No.

The CHAIRMAN. Then the gentleman from Alabama [Mr. HUDDLESTON], who is a member of the committee, will be recognized.

Mr. HUDDLESTON. Mr. Chairman, I applaud the gentleman from Minnesota [Mr. SMITH] for what he has said in behalf of his amendment. I applaud him. It is sound. The objection I am making to this bill is that it ought not to be constructed for the benefit of those two concerns. I dissent, however, from what the gentleman from Minnesota says, that we ought to legislate for their benefit.

Now, I say this bill, whether so intended or not, is so constructed that nobody else can get in under it except those two concerns. If we are going to fix it in that fashion, then we ought to make it just as strong on them as possible. I am not willing to turn the people of western New York over to the mercies of these two concerns. I want somebody, anybody I can get, to stand between them and this system that has been going on up there for years.

Some gentleman may think that the Public Service Commission of the State of New York is amply able to protect the people and to protect that State, but I dissent from that view.

I have before me statements made by the Public Service Commission of the State of New York that throw a considerable light on this controversy, and I regret the disposition that has been shown here that cuts me off from showing the germane facts to this House.

The Public Service Commission of the State of New York has not been able to protect the citizens of western New York. There is some defect there in the commission or in the laws under which they are acting. For instance, Mr. Chairman, they do not know anything about what the Hydraulic Power Co. is doing.

The gentleman from Wisconsin called the attention of the House to the fact that the commission has no information as to what is being done with half of the power that is being generated at Niagara Falls on the American side; and I want to say, Mr. Chairman, that the public service commission in New York has not got the information with reference to the Niagara Falls Power Co. and they have not got it as to the Hydraulic Power Co. I have a letter here from the chairman of the commission, and I want to call attention to some of the statements that he makes. He says that the impression is general that the commission has investigated the situation at Niagara Falls, but that all they have done is to investigate the charges in Buffalo of the Buffalo General Electric Co. That is all. They have gone into it, and that is all they know about. They have some general information which the chairman is unable to say whether it is accurate or otherwise.

They have had no hearings on the general situation. They have just simply collected information in a general way, and do not know with any certainty how much power is being generated by either one of these concerns at Niagara Falls, nor what they are charging for it, nor to whom they are selling it, nor whether they are discriminating, nor what they are doing. I am here, Mr. Chairman, to say that they are overcharging the people. I am here to say that there is discrimination. They are playing their favorites among the consumers of this power, and they will continue to do that unless we step in and stop it.

Mr. FLOOD. Mr. Chairman, I am surprised at the gentleman from Alabama [Mr. HUDDLESTON] complaining that he is being cut off from an opportunity to debate this bill. By dilatory tactics and filibustering methods to-day, he has killed one-half of the time that we have been in session. If he had really desired to discuss the merits of this bill, he would have abstained from these tactics, and would have had all the opportunity he wanted to discuss every line of this bill and every amendment that is offered in connection with it. I think it comes with bad grace from the gentleman to complain of lack of time. [Applause.]

Mr. HUDDLESTON. Mr. Chairman, can the gentleman point to anything that looked like filibustering until the gentleman had declined to give me anything like a reasonable time to discuss the bill?

Mr. FLOOD. Mr. Chairman, the gentleman raised the point of no quorum before he went into the Committee of the Whole for the consideration of the bill this morning.

Mr. HUDDLESTON. Certainly I did. This is an important bill, and we ought to have the Members here to consider it.

Mr. FLOOD. I refuse to yield any further. I have answered the gentleman's question. He has done nothing but filibuster, and the gentleman with other members of the committee has considered this bill for weeks and weeks. I resent the suggestion that this bill is framed in the interest of two power companies at Niagara Falls. I realize, as every man realizes, that no legislation can be enacted disposing of the Niagara River water that does not give an advantage to the existing companies, but this bill avoids that as far as it is possible to do so; it guards the interest of the Government and the consumers of power.

Mr. HUDDLESTON. Mr. Chairman, I rise to the point of order that debate has been exhausted.

Mr. FLOOD. Debate has not been exhausted.

The CHAIRMAN. Debate, so far as this amendment is concerned, is exhausted.

Mr. MILLER of Minnesota. I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. PARKER of New York. Reserving the right to object—I want to discuss my amendment for five minutes.

Mr. HUDDLESTON. Reserving the right to object, I should like to know when we are to have some time to debate this measure?

Mr. MILLER of Minnesota. How much time does the gentleman think he ought to have to debate this measure?

Mr. HUDDLESTON. I think we ought to have reasonable time for debate. If it is the policy of the chairman of the committee to cut off debate at the earliest possible moment, I shall certainly object.

Mr. FLOOD. It is the policy of the chairman to move to cut off unnecessary and dilatory debate; this I have been trying to do all day.

Mr. HUDDLESTON. I object.

Mr. FLOOD. Wait a minute, now. I have the floor. I object to being interrupted by the gentleman every time I say a word.

Mr. HUDDLESTON. Mr. Chairman, I call for the regular order.

Mr. FLOOD. The gentleman has asked me a question, and I have a right to answer it. The gentleman asked the question whether it was my purpose to cut off debate. I will make a motion to cut off all unnecessary and dilatory debate, and if those motions cut off the gentleman from Alabama, I can not help it. So far as I am concerned, I do not make any request for any time for myself.

Mr. HUDDLESTON. Mr. Chairman, in view of the vague answer of the gentleman, I must object.

Mr. MILLER of Minnesota. I move, as a substitute for the amendment offered by the gentleman from Minnesota, to strike out the word "second," in line 16, page 3, and to insert in lieu thereof "section 4," and I want to be heard on that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 3, in line 16, by striking out the word "second" and inserting the words "section 4."

The CHAIRMAN. The gentleman from Minnesota moves an amendment to the amendment.

Mr. MANN. Mr. Chairman, I make the point of order that that is not a substitute. It has no relation to it at all. The Clerk will correct the numbers of the sections.

Mr. MILLER of Minnesota. The first section has been changed.

Mr. MANN. The Clerk will change the other sections when he engrosses the bill, without any action by the House.

Mr. MILLER of Minnesota. Mr. Chairman, I have not with me the amendment offered by the gentleman—

Mr. MANN. I make the point of order that the gentleman's amendment is not in order.

The CHAIRMAN. The point of order is sustained.

Mr. MILLER of Minnesota. I want to speak five minutes. That is what I offered it for.

Mr. STAFFORD. I ask unanimous consent that the gentleman from Minnesota [Mr. MILLER] may proceed for five minutes.

Mr. RAGSDALE. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota, a member of this committee, may be allowed to address the House for five minutes.

Mr. PARKER of New York. Mr. Chairman—

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent that the gentleman from Minnesota have five minutes in which to address the committee. Is there objection?

Mr. LINTHICUM. I object.

Mr. RAGSDALE. Then, Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from South Carolina makes the point of no quorum. The Chair will count.

Mr. MOORE of Pennsylvania. I make the point that that point of order is dilatory.

The CHAIRMAN. The question of no quorum is never dilatory. A quorum is necessary in order to do business.

Mr. GARDNER. The Speaker being satisfied that a quorum was present and that the point of no quorum was dilatory, declined to entertain it. There are a great many decisions to that effect. Very likely the Chair is not satisfied; but often the point of no quorum has been held to be dilatory if the Chair was satisfied that a quorum was present.

The CHAIRMAN. The Chair will say in passing on the point of order of the gentleman from Massachusetts that if the Chair was satisfied that there was a quorum present he would so announce without counting; but at the time the point was

made by the gentleman from South Carolina the Chair was not satisfied that a quorum was present. Some Members have come in since the point of order was made, and it may be that there is now a quorum present; but the Chair is not certain that such is the case; hence a count is proper. [After counting.] One hundred and fifteen Members present—a quorum.

Mr. PARKER of New York. Mr. Chairman, I move to strike out the last word. The gentleman from Alabama [Mr. HUDDLESTON] has read an extract from a letter from Mr. Van Santvoord, chairman of the second division of the Public Service Commission of New York State. He has not read the whole letter. I hold in my hand a letter from the electrical expert for the second division of the Public Service Commission of the State of New York, which I shall introduce in the Record as a part of my remarks, and it closes in this way:

The Cline bill disposes of any such claim and clears the way for effective action by the commission.

Now, that is the letter, and, as I say, I do not wish to take the time to read it now or give the gentleman's name, but I will tell you his name.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. PARKER of New York. No; I have not the time, and the gentleman would not yield to me. The letter is from an expert. The gentleman would lead us to believe that not one single investigation has been made as to the rates at Niagara Falls. He states that the hydraulic company sells 60 per cent to private concerns. That is true. There is the largest chemical electric proposition anywhere in this country located at Niagara Falls, and all the electrical energy that is developed is subject to the public-service commission. The gentleman speaks about the General Electric Co. at Buffalo. I think the gentleman made the statement that the Niagara Falls Power Co. would not do their own milking. Allow me to quote from a report of the public-service commission a statement as to who owns the stock.

I come from a place as far from Niagara Falls, practically, as does the gentleman from Alabama. I have not one single person in the district that I have the honor to represent who uses that power; but, nevertheless, I can not stand here and hear the gentleman from Alabama say, by implication at least, that the Public Service Commission of the State of New York is not effective and is not efficient. I do not see how the gentleman is going to get any Member to follow his idea that we can employ men for \$6,500 a year for which we in New York State pay \$15,000. The gentleman can not believe for a moment that you can hire a better or more competent man for \$6,500 than you can for \$15,000. Now, the gentleman to whom the gentleman from Alabama refers, Mr. Van Santvoord, is a personal friend of mine; he is a Democrat and belongs to the gentleman's own political faith, and is as fine a gentleman as I know.

Mr. HUDDLESTON. I want to call the gentleman's attention to paragraph—

Mr. PARKER of New York. Mr. Chairman, I decline to yield. Now, I wish to read from a case decided April 2, 1913, in which you find this language:

It does not appear of record that the Niagara Falls Power Co., even directly or indirectly, has any stock holdings in the General Electric of Buffalo. Whether it really owns stock standing in the name of private individuals is not known. There has been no list of stockholders that indicates that this is the case.

I am reading from an official report of the Public Service Commission of the State of New York. The gentleman from Alabama would lead us to believe that no rate had ever been reduced in the State of New York.

Mr. HUDDLESTON. The gentleman is mistaken.

Mr. PARKER of New York. In this same report in 1913 there was a reduction ordered of 28 per cent, and this was taken into court on the theory of confiscation and a general reduction of 19 per cent was ordered.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PARKER of New York. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from New York asks that his time be extended five minutes. Is there objection?

Mr. HUDDLESTON. Reserving the right to object, I shall object unless the gentleman allows me to ask him some questions.

Mr. PARKER of New York. I will yield to the gentleman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDDLESTON. Does not the gentleman think this public-service commission is ineffective when the Hydraulic Power Co. is not under its jurisdiction? Does not the gentleman think there is something radically wrong in the law?

Mr. PARKER of New York. No; I do not. I am thoroughly familiar with the public-service law, because I helped draw it.

Mr. HUDDLESTON. Perhaps that accounts for it. Does the gentleman realize that there is nothing in this bill that will force the Hydraulic Power Co. to generate hydroelectric energy and distribute it at reasonable rates?

Mr. PARKER of New York. In answer to the gentleman, I wish to state that he is right as to the Hydraulic Power Co., but if any of the users of the power failed to complain to the public-service commission as to rates, if they are satisfied, whose business is it except theirs?

Now, another matter, it seems to me very important regarding this bill, and that is that the United States Government, by a great stretch of imagination, assumes control over the water at Niagara Falls. I believe we have control of it; but an attorney general of the State of New York believed that it is absolutely a State proposition. I do not know, however, of one atom of this power that is used in interstate commerce; it is absolutely intrastate, and the gentleman will admit that. The gentleman must admit that as soon as the power is generated it becomes subject to the laws of the State of New York and not to the Federal Government. You can not enact a law that will make it subject to Federal control.

Mr. CLINE. Mr. Chairman, I want to call the attention of the gentleman to this fact, that there can not be a permit issued under this bill to any party or corporation who does not qualify under the public-service laws of the State of New York.

Mr. PARKER of New York. That is in conformity with our State laws. The gentleman talks about monopoly. Let me point out to the gentleman that the Government regulation fosters monopoly. You can not get away from it. If you are going to regulate rates, you have got to foster monopoly, because there are two things that govern prices—one is competition and the other is regulation.

If you say that you have regulation, by the same token you say that you will protect from undue competition. That has been fought out in our State many times. For instance, you say grant this to some other company. Before they can distribute that they would have to go to the public-service commission of the State of New York and get a certificate of public necessity. You say that the Hydraulic Power Co. ought to be under this commission. I agree with you. They should be under the public-service commission's jurisdiction. The Niagara Falls Power Co. is.

Mr. FLOOD. This bill puts the Hydraulic Power Co. under that commission.

Mr. PARKER of New York. Yes. I agree with the gentleman thoroughly. They should be. The public-service commission knows how much it costs to generate a horsepower. They know whether prices charged to the 60 per cent which are under their jurisdiction are reasonable or not. The gentleman fails to recognize that the State of New York was the first big State in the Union to try to regulate public-service corporations in a comprehensive way. This is practically a New York State proposition, except that the United States has control of the water. [Applause.]

The letter to which I made reference is from an engineer of the public-service commission of the second district of the State of New York, and I quote from it the following:

PROPOSED LEGISLATION REGARDING NIAGARA WATER POWER.

1. THE QUESTION INVOLVED IS GOVERNMENT OWNERSHIP V. PRIVATE OWNERSHIP.

The fundamental difference which exists between the schemes proposed is not what measure of control should be exercised over the power, nor is it whether the control should be exercised by Federal or State Governments. The real difference is between a continuation of private ownership, with extensive and adequate regulation, and embarkation in a scheme in which private capital plays no part, but all of the canals, tunnels, power houses, machinery, transmission lines, substations, etc., are owned by the Government, paid for by Government bonds, and operated by the Government as a business venture.

2. GOVERNMENT OWNERSHIP IS NOT YET ADVISABLE.

The sentiment of the State and Nation is opposed to a general plunge into Government ownership. It is not necessary at this juncture to discuss the abstract principle of whether Government ownership of some forms of business is or is not advisable. It is enough to say that until our municipalities and States can achieve efficient and economic building of roads, operation of charitable institutions, and management of ordinary governmental activities it will not be time to embark into projects which are less generally understood and more subject to disaster in inexperienced or inefficient hands. The generation, transmission, and distribution of electricity are highly technical problems, and if governmental ownership is to come at all it would seem that they should be among the very last to be taken up.

There was a few years ago some agitation in New York State for State development of water power, but this has been entirely abandoned, even in the case of powers which are now actually owned by the State. New York is definitely committed to the policy of private ownership, with effective governmental regulation, except that municipalities are permitted to own their utilities if they choose. The number of

those who have chosen to do so is not great, and the average results obtained by them are not such as to encourage extensions of the experiment.

The hydroelectric commission of Ontario is the example usually pointed out as conspicuously illustrating the possibility of success in such ventures. It is too early to herald the Ontario scheme as a success. It may be that by destroying private property rights, causing loss of tax revenue, and by securing partial support through direct appropriations supplied by general taxes, the commission has been able to reduce the rates for electricity below those which have been found possible by sound and sane business enterprises. Even the question of how much the rates have been reduced is one which requires careful analysis. It is not fair to compare the kilowatt-hour charge in a rate where a charge based on room area must be paid in addition with the primary kilowatt-hour charge in the case of a rate like that which exists in Buffalo, where the initial rate is comparatively high, as it should be, until the consumer has paid part of the carrying charges on the investment required to serve him, but where a reasonable use of electricity rapidly causes the rate to fall, enabling those who really desire to use current for purposes other than lighting to get it for 1½ cents a kilowatt hour. It is not time to copy the Ontario experiment until a reasonable interval has shown whether adequate provision has been made for depreciation and obsolescence of the property so recently installed, whether the proposition is on a sound and continuing financial basis, and whether the municipalities who are obliged to pay the wholesale rate imposed by the commission, and charge the retail rate fixed by the commission, will indefinitely continue to make good through taxes any deficits which this method may cause.

3. THERE IS NO ADVANTAGE IN GOVERNMENT OWNERSHIP.

The Cline bill expressly prohibits capitalization of the right to divert the water, and specifies that it shall not be assigned value in any tax, rate, or other proceeding. This means that under efficient regulation the companies diverting the water will be limited to a revenue which will reimburse them for reasonable operating expenses and pay a fair percentage on the capital actually invested in physical property. It is true that ordinarily the Government can secure capital at a slightly lower rate of interest than a private business enterprise, although this difference will naturally become less as the Government embarks more into general business undertakings. It will hardly be questioned, however, that the private enterprise can considerably distance the public one in efficiency and economy of operation, and the advantage thus gained will usually more than offset the difference in interest rate.

The proponents of Government ownership will question the success of governmental regulation. It is certainly quite as likely that dishonesty and inefficiency will be encountered in the management of a Government-owned business as in governmental regulation of private business.

4. THE RIGHTS OF EXISTING COMPANIES SHOULD BE RECOGNIZED.

It is all very well to declaim against the companies which have developed the power from Niagara water and sold it to those who found it useful. The investment in this business seems now to be so wise and profitable that the uncertainty and experimental nature of the development in its early stages is hardly recognized. Engineers not yet past middle age, who participated in the first installation of the Niagara Falls Power Co., find it difficult to remember or to believe that there was grave question among all engineers at that time as to whether two generators could be operated simultaneously on one line, and whether power could be successfully transmitted at 11,000 volts from Niagara Falls to Buffalo.

The companies who bravely faced the doubts of those days and invested their money with faith in the future have developed an art, the progress of which has surprised even themselves, and the power which they have made available has been of the greatest value to the State and to the Nation. They have proceeded under explicit authorizations of the State and Federal Governments. They have violated no laws and have been amenable to every regulation imposed upon them. The property which they possess is theirs by every principle of law and justice, and should not be made valueless by an unreasonable deprivation of the water which alone makes it productive. If these companies have made money, that constitutes no crime for which they should now be punished by confiscation of their property. How many of those who loudly proclaim these people as robbers would not in like situation have made the most of the opportunities presented for building up their personal fortunes?

All of this is not to say that inefficiency should be allowed. The public right to require that every foot of water which is diverted from the Niagara River be utilized to the best possible advantage is paramount to any private interest. The Cline bill, with its requirements that at least 20 horsepower must be developed per cubic foot-second (about all that can be obtained without going down below the rapids) takes care of this feature and will oblige the Niagara Falls Power Co. to abandon practically all its present physical development.

5. GENERAL CONTROL OF THE DIVERSION BELONGS TO THE FEDERAL GOVERNMENT.

In the first instance, the total amount of water which may be diverted in this country is fixed by international treaty, and it naturally devolves upon the Federal Government to see that the terms of this treaty are carried out. The Niagara River is a navigable stream, and it is incumbent upon the Federal Government to see that any diversion of water for power purposes be only in such amount and in such manner that navigation will not be interfered with. The scenic beauty of Niagara Falls must be conceded to be a national asset and the Federal Government is within its rights and duties in preserving that feature.

The persons or corporations to whom the water rights should be granted might perhaps be more properly selected by the State, but as the grants must be made by the Federal Government, and if necessary, be revoked by it, it would introduce complications to have the grantees selected by a different authority. This matter is not of much consequence, as the power will be developed by some one in any case and the ownership of any property is likely to change from time to time.

6. CONTROL OF THE DISTRIBUTION AND PRICE SHOULD BELONG TO THE STATE.

Regardless of the agency by which the power is developed, and unless a great deal more is generated than can now be taken under treaty restrictions, the power will be used in New York State, because New York State is there to take it and no other State is. The Federal Government has no more real interest in this question than in the case of a water power located in the interior of the State, on a non-navigable stream.

The Federal Government has no suitable machinery established for regulation of such business. The Federal Government should not extend its activities into fields which can be as well covered by the individual States, or by smaller subdivisions.

The State is vitally interested in this subject. The prosperity of its people depends to a material extent upon the availability of power in adequate quantities and at proper prices. The general problem involves the generation of power at other water powers and by steam plants, and its distribution and supply in all the various communities of the State. A large part of this work will in any event be supervised by the State and could not possibly come under Federal regulation. The power from Niagara is only a portion of the whole, and the problems in connection therewith dovetail into others which make up the whole. In an particular community power may be received from several sources, one of which is Niagara. To obtain efficient and satisfactory regulation it is essential that it be in the hands of one authority and not divided. It is fully as important that the treatment be uniform and comprehensive as that it be honest and intelligent.

The State has already developed the machinery by which such regulation may be, and is, carried out, and the officers now exercising those duties have become trained and efficient in the problems of governmental control.

7. THE STATE CAN BE DEPENDENT UPON TO REGULATE.

This proposition requires little argument. New York was one of the first States in the Union to take up comprehensively the regulation of public utilities. Its laws and the organization and work of its commissions have served as models for many of the other States.

8. THE PUBLIC SERVICE COMMISSION IS COMPETENT AND HONEST.

The easiest thing in the world is to direct criticism against public officers. It is simple justice to remember that the problems which faced the commission at its organization were vast and new. In practically every phase of its duties the way had to be sought out and blazed by the commission. The amount of work involved in organizing the commission and establishing its methods can hardly be appreciated.

The commission has not always done right; the men appointed to it have not always been the best men; no one will defend all of its acts or say that there is no room for improvement, but the people of New York State feel that it has done a good work and have confidence in it. No one is hardy enough to suggest that the commission should be abolished and there are few who desire changes of any importance. Senator Thompson has something to say in the way of general criticism (more particularly of the New York City Commission), but it is understood that the legislation to be proposed by his committee is mostly in the line of giving more power to the commission in order that it may be unhampered in its work.

The commission has done a great work in requiring proper accounting, supervising the issuance of securities, and enforcing adequate service. In the regulation of rates, two instances will be sufficient to indicate the nature of the work done. In Buffalo a thorough investigation was made of the situation concerning all rates for electricity, and the commission fixed uniform and equitable rates applying to all current sold. The rates fixed by the commission result in a reduction to the public in cost of electricity of over \$500,000 per year. These rates were so adjusted as to allow, in addition to operating expenses, only a fair return upon the actual physical property devoted to the business of furnishing electricity. It is, of course, nonsense to compare the rates charged for the current which has been transmitted, transformed, distributed, and delivered in small quantities to the retail consumer, involving losses in transformation and distribution, the investment of large amounts of capital in equipment and facilities, and operating expenses of great magnitude, with the price paid wholesale for vast blocks of high-voltage power at Niagara Falls or at the Buffalo city line.

As a result of the commission's investigation and the rates established by it in New York City, telephone users of that city have secured a benefit amounting to \$5,000,000 annually. Cases of lesser magnitude, but of equal importance to the communities affected, might be cited indefinitely.

The commission is always open to receive complaints from any justified person and never fails to give such complaints careful consideration. Whether the rates for electricity charged by the power companies at Niagara Falls are too high is not a question which can be answered offhand. The commission has never received any complaints from the purchasers of such power, and it is a matter of common knowledge that purchasers are exceedingly eager for such power at the present prices and can not get enough to supply their needs. As a matter of fact, it might have been a difficult matter for the commission to regulate these rates in the past. The power companies were operating under sweeping authorizations from the State and Federal Governments, and there was a serious question as to whether such authorizations would not have been considered in law as vested rights which the commission would have been bound to recognize and assign values to in any rate case. The Cline bill disposes of any such claim and clears the way for effective action by the commission.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. Cresser having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries, who informed the House that the President had, on February 3, 1917, approved and signed bills of the following titles:

H. R. 193. An act to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States; and

H. R. 20209. An act to amend section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

DIVERSION OF WATER OF THE NIAGARA FALLS.

The committee resumed its session.

Mr. AUSTIN. Mr. Chairman, I wish to be recognized in opposition to the amendment offered by the gentleman from Minnesota.

Mr. FLOOD. Mr. Chairman, debate upon that amendment has been exhausted.

Mr. AUSTIN. Then I move to strike out the last two words. I have not addressed the committee to-day.

Mr. FLOOD. I have not been able to express the few sentiments that I have in mind.

Mr. MILLER of Minnesota. Neither have I.

Mr. AUSTIN. I thought I heard the gentleman from Virginia make some talk. Am I recognized? I move to strike out the last two words.

The CHAIRMAN. Objection has been made, the effect of which is that the gentleman will have to address himself to his amendment.

Mr. AUSTIN. I do not want to go into a farce of that kind. I want to discuss the bill.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee [Mr. AUSTIN] and the gentleman from Virginia [Mr. FLOOD] each have five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent, in this connection, that the gentleman from Tennessee and the gentleman from Virginia have five minutes each. Is there objection?

Mr. LINTHICUM. Mr. Chairman, I object.

Mr. FLOOD. I object.

Mr. AUSTIN. You will not pass this bill until I have a chance to discuss it.

Mr. FLOOD. That is all right. If the gentleman desires to defeat the bill, let him defeat it. We are all trying here to do the best we can to pass it.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. HUDDLESTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 5, line 3, after the word "foot," insert "and which shall be used in the generation of hydroelectric power."

Mr. HUDDLESTON. Mr. Chairman, the concern at Niagara that is using the water at the most efficient head sells only mechanical power. That mechanical power it sells to various associated companies. I am not advised as to its relation with them, but those associates rent from it its generators and transmission lines and supply themselves with power in this fashion.

The gentleman from Virginia [Mr. FLOOD] to the contrary notwithstanding, I have some very important objections to this bill, and some that I think are worthy of consideration. I understand the gentleman from New York [Mr. PARKER] to agree with me that this bill does not prevent the continuance of that situation. He seems to think it is all right. In that I do not agree with him. I think the power at Niagara Falls belongs to the people—his people, if he will. He says it is a New York proposition, and I agree with him that it is to a large extent.

Mr. PARKER of New York. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. In a moment. The trouble about the situation there is that the people are not getting the power. That power is going for the sole benefit of a few industrial concerns in the city of Niagara Falls. I think this power is worth more for domestic use, for lighting homes and doing the everyday things of the consumers, the plain people of western New York, than it is for the manufacture of aluminum, carborundum, and one thing and another.

Mr. PARKER of New York. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. No; I have not the time. If I could get five minutes more, I would yield to the gentleman. These concerns do not have to be at Niagara Falls. The prosperity of New York does not depend upon their being there. They can as well go somewhere far away in the woods. You can make just as good aluminum on the Columbia River as at Niagara Falls. You can make it anywhere in the whole land where there is water power. You do not have to make it right there, where there are teeming millions of people who are reaching out their hands pleading for power at reasonable rates.

The aluminum company and the carborundum company can not afford to go into competition with the people who want to use the power for domestic purposes.

Mr. PARKER of New York. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. No. I do not think we ought to have in view the needs of these industries at Niagara Falls.

They are there, and they can just as well be somewhere else. Let us save this power for the people. Let us see that it is generated into electric current and spread over that whole part of the country so that the mass of the people get some benefit of it. What benefit is it to the people now? A few millionaires conduct some works up there and hire a lot of laborers at as

low wages as they can get them for, and they roll wheelbarrows in and out of their works, and there is really very small benefit to the people. If the people can only get this power, if it can be distributed for legitimate purposes among the small users of western New York, it would be a priceless boon. They would no longer be exploited as they are now by the Buffalo General Electric Co. I wish I had time to show you the figures I have. I have the contracts, I have a statement from the public service commission, but I have not the time to show it to this committee. It is not of enough importance in considering a little bill like this, so the majority, who control the time, seem to think.

Mr. FLOOD. Mr. Chairman, I move that all debate on the other paragraphs of section 2 and all amendments thereto be now closed.

Mr. AUSTIN. I would ask the gentleman to yield me five minutes.

Mr. FLOOD. In five minutes' time, that to be accorded to the gentleman from Tennessee [Mr. AUSTIN].

Mr. SMITH of Minnesota. Mr. Chairman, I wish to ask the chairman of the committee a question. Does that preclude the offering of amendments?

Mr. FLOOD. Oh, no; just debate.

Mr. SMITH of Minnesota. Now, I have an important amendment, which is very short, and it will not take over five minutes, and I ask to have a chance to offer it.

Mr. FLOOD. Then, Mr. Chairman, I ask that all debate on this paragraph end in 10 minutes, 5 minutes to go to the gentleman from Tennessee [Mr. AUSTIN] and 5 minutes to the gentleman from Minnesota [Mr. SMITH].

The CHAIRMAN. The gentleman from Virginia moves that at the expiration of 10 minutes all debate be concluded on this section and all amendments thereto.

Mr. HOWARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. Does this include debate on amendments to this section—10 minutes to the entire section and all amendments thereto?

The CHAIRMAN. To the section and all amendments thereto.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. HOWARD) there were—ayes 65, noes 8.

So the motion was agreed to.

Mr. AUSTIN. Mr. Chairman, the gentleman from Alabama [Mr. HUDDLESTON], in discussing this legislation prior to the holidays, when we had the temporary bill up, was asked by me the direct question as to how much the people of the city of Birmingham, Ala., the gentleman's home town, were paying for their electricity, and he said he could not tell and did not know.

Mr. HUDDLESTON. The gentleman is mistaken.

Mr. AUSTIN. I appeal to the Record.

Mr. HUDDLESTON. The gentleman asked what the Alabama Power Co.'s rates were and I said I did not know.

Mr. AUSTIN. I asked what they were paying for electricity supplied from the Coosa River—

Mr. HUDDLESTON. They are not supplying Birmingham.

Mr. AUSTIN (continuing). And the gentleman stated he did not know. To-day he has some figures about the cost of power in New York and Canada. Let me read him some figures as to the cost of power in Birmingham, his own city.

Mr. HUDDLESTON. The gentleman will find it high.

Mr. AUSTIN. "Birmingham, Ala., January 30, 1917. Maximum price for energy, 7½ cents per kilowatt per hour. Minimum price, three-fourths cent per kilowatt per hour. Steam will cost the same. Horsepower is not the unit of measurement in this city. All electricity used here is generated on the Coosa River." I believe the gentleman said it was not generated on the Coosa River.

Mr. HUDDLESTON. No; I did not. Now, if the gentleman will yield—

Mr. AUSTIN. No; the gentleman would not yield to me. I tried three different times when the gentleman had the floor and the gentleman discourteously took me off my feet. I had an engineer figure out the cost of power on these figures. It is \$48.75 per horsepower; that is the minimum, and \$487.50 is the maximum.

I commend to the gentleman his zeal in searching for and investigating the cost of power in the far-off State of New York and a foreign country, but I want to appeal to him to get down and begin business at home in the Birmingham district [applause] and in the city from which he hails, and let him begin his reform there and his work there in the interest of the people who elected him to Congress. [Applause.]

Mr. HUDDLESTON. Will the gentleman yield?

Mr. AUSTIN. No; I will not.

The CHAIRMAN. The gentleman declines to yield.

Mr. AUSTIN. Now, I think this House can depend upon the Representatives from New York [Mr. SMITH], a Democrat from the city of Buffalo, which is taking this power, and the gentleman from the Niagara district [Mr. DEMPSEY], where it is made and used, to look after, care for, and protect the interests of the people who elect them to Congress. [Applause.] They are amenable to and answerable to their constituents, and if the people are being robbed, as the gentleman alleges, the voters of those districts have elected two honorable gentlemen to stand up here and protect their interests and have not commissioned the gentleman from Alabama to be a guardian for them. [Applause.]

Mr. FLOOD. May I call the gentleman's attention to the fact that this measure that we are considering and enacting into law will put these companies under the control of the New York Public Service Commission and that they will be subject to the regulations as to price and other matters of that commission and that now there is no law putting one of them there?

Mr. AUSTIN. Yes. I think the people of the immediate neighborhood in New York, Brooklyn, Niagara, and in Buffalo are just as honest as they are in Birmingham or any other section of this country; and if they have public officials that are recreant to their duty or their interests here or in the Public Service Commission of New York State, they have a right to get rid of them at the ballot box. And I refuse to be persuaded or influenced in the belief expressed by the gentleman from Alabama [Mr. HUDDLESTON] that these gentlemen are doing something wrong in recommending this bill to our favor.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to have five minutes in which to reply to the lecture of the gentleman.

Mr. MILLER of Minnesota. I object.

Mr. SMITH of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is it an amendment to the amendment? There is a pending amendment offered by the gentleman from Alabama. Is the gentleman's amendment an amendment to that one?

The question is on the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from Minnesota [Mr. SMITH] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SMITH of Minnesota: Amend, on page 5, line 1, by striking out all of line after the word "and" and all of line 2 and all of line 3 to the word "foot," and inserting in lieu thereof the following: "That the greatest efficiency must be attained with the water used, and a failure on the part of a permittee to comply with this condition shall be deemed a violation of the provisions of this act."

Mr. SMITH of Minnesota. Mr. Chairman, the complaint that comes from Niagara is that the companies that are now using this water are not developing it to its fullest efficiency. There is a head of 208 feet within a short distance of these power plants. By going some 6 or 8 miles a head of 318 feet can be obtained. Now, the Niagara Water Power Co. is using but 135 feet of this 318 feet, and the Hydroelectric Co. is using something more than 135 feet. If this power is going to be turned over to these companies, which is the natural and only result when you give the Secretary of War power to grant it to whomever he sees fit, you are not going to compel these companies to develop this power to its full extent. True, in your bill you provide that the Secretary of War shall specify in each permit granted hereunder the rate of flow per second of the diversion authorized and the efficiency which must be attained with the water used and which shall not be less than 20 horsepower per cubic foot.

Now, gentlemen, when that Niagara Falls power plant was installed, it was not developing from the same amount of water more than two-thirds the amount of power that it is developing now. Why? Because their turbines at that time were not of the modern type; were not of the kind that would develop the greatest amount of power from a given amount of water.

Mr. FLOOD. This bill remedies that and requires them to develop 20 horsepower per cubic foot.

Mr. SMITH of Minnesota. That is the point, and I am glad the gentleman has brought it out. You can not fix by law what is going to be the condition 10 years from now in the hydroelectric world, because no science in the world is developing so rapidly as that of the science of electricity.

Mr. FLOOD. We meet that in this bill.

Mr. SMITH of Minnesota. If within the last 10 or 15 years they have been able to develop a third more power with the same amount of water, is it not reasonable to suppose that the same progress will be made in the next 10 years?

Mr. FLOOD. The Secretary of War is authorized by this bill to require them to develop more power.

Mr. SMITH of Minnesota. That is my objection. The Secretary of War is authorized to do most everything. Why do you not say that the parties receiving this permit shall develop the greatest amount of power that is capable of being developed, and if they do not do it they will violate the provisions of the law.

Mr. FLOOD. The Secretary of War will have to determine that.

Mr. SMITH of Minnesota. He will not. The trouble with the whole bill is that it is simply turning this whole proposition over to the Secretary of War to do just as he sees fit with it, without any limitation. He is to be the court, jury, and next friend of the Hydroelectric Trust.

Mr. FLOOD. We can not allow him to issue a permit without—

Mr. PARKER of New York. The engineer of the public-service commission says that the 20 horsepower that must be developed is about all that can be developed.

Mr. SMITH of Minnesota. That is to-day, but five years from to-day or three years from to-day it may be that turbines will be invented that will produce twice the amount of power from the same amount of water that the turbine of to-day produces. My amendment requires the permittee to furnish the greatest amount of power that a given amount of water will produce; the bill leaves it to the Secretary of War to say how much power the permittee must furnish from a given amount of water. I am not surprised to find this section in this bill, as it is in line with its fundamental principles, which are: First, to authorize the Secretary to grant to the existing companies at Niagara all the rights of the public in the water power at Niagara. Second, to clothe the Secretary with such autocratic power that he can see to it that these companies are protected in their use of this water power from the demands of the public, both of which are very laudable purposes and is splendidly executed in the measure which we have before us for our consideration.

I wish to compliment the Members of the House that are supporting this bill upon their loyalty to and patriotism in the interest and welfare of the public that they are afraid to trust, but they are perfectly willing to trust a corps of engineers in the War Department, who on account of training, temperament, and lack of knowledge of general business propositions, are out of sympathy with the public.

Now, gentlemen, let me state the effect of this bill. The Secretary of War is authorized to issue permits to whomsoever he sees fit, under such conditions as he sees fit, and after he has issued those permits he is to assist the permittee in conducting his business. He is to pass upon the rate that the public-service commission of New York puts into operation. The rates have to be subject to his approval.

What is the result? Instead of government, of the water powers and public utilities of the Nation by the people's Congress you substitute government by the Secretary of War, which means his Corps of Engineers, as he has neither the time nor opportunity to exercise any supervision excepting of the most perfunctory sort.

It has been claimed for this Corps of Engineers that they are especially suited to take over the control of our water-power resources, because they are removed from local influences, but it must be remembered that they are also removed from the body of the people and surrounded by the engineers of the Hydroelectric Trust, who are naturally their associates and companions. This very environment unfits them for that broad and sympathetic public service which the control of our water powers especially demands. As proof of this statement I wish to call your attention to the attitude of these engineers whenever the public rights are in opposition to the interests of the Hydroelectric Trust. At Keokuk a dam is constructed across the Mississippi River. The engineer in charge of this dam has authorized the company to close the sluice gates during the nighttime, thus reducing the flow of the water in the river below the dam to such an extent that navigation is oftentimes entirely held up.

Again, four years ago this Congress passed a law directing the Secretary of War to make a survey of the harbor and the river at Chicago and to report to Congress whether or not there was any encroachment by private individuals on either the river or harbor. The Board of Engineers, so we are informed, treated

this direction by Congress as a joke, and the other day this Congress was compelled to pass another law, directing that this survey and report be made forthwith. In my own city the Chief of Engineers was requested to direct the boom company to remove its booms from the river, that were no longer needed, and his reply was that if the booms were removed it might endanger by the spring ice the general electric plant that was some distance down the river.

Countless instances of this kind can be cited in substantiation of what I have said in reference to the attitude of the Board of Engineers when public rights are in opposition to the interests of the Hydroelectric Trust. This attitude on the part of the Board of Engineers accounts for the anxiety of the Hydroelectric Trust to secure legislation that will turn over and place in the hands of these engineers the great water-power resources of the country. These facts are known to every Member of the House, because ample proof is furnished from day to day. All that they have to do is to examine the CONGRESSIONAL RECORD, and for their convenience I will call their attention to pages 2258, 2270, 2347, and 2348 of the RECORD of this session of the Sixty-fourth Congress. Is that Democracy?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. SMITH].

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to oppose the amendment.

The CHAIRMAN. All debate is closed on this paragraph and amendments thereto at the close of 10 minutes. The question is on the amendment offered by the gentleman from Minnesota [Mr. SMITH].

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. SMITH].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Sec. 3. That no transfer of any permit or rights granted hereunder, except by trust deed or mortgage issued for the bona fide purpose of financing the business of such permittee, shall be made by any permittee, without the approval of the Secretary of War, and any successor or assign of the rights of any such permittee, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the permit under which such rights are held by such permittee, and also subject to all the provisions and conditions of this act, to the same extent as though such successor or assign were the permittee hereunder; and no works constructed, maintained, and operated under the provisions of this act, for the generation, sale, or distribution of electric current, power, and energy, shall be owned, leased, possessed, controlled, or operated in any manner so that they form part of or in any way effect any combination, trust, or monopoly, or form the subject of any contract or conspiracy to limit the output of electric current, power, and energy, or in restraint of trade.

Mr. HUDDLESTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

Mr. FLOOD. Mr. Chairman, I move that all debate on this section and amendments thereto be closed in five minutes, and that the gentleman from Alabama [Mr. HUDDLESTON] shall have that time.

The CHAIRMAN. The gentleman from Virginia moves that at the expiration of five minutes—

Mr. SABATH rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. SABATH. To make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SABATH. Is it proper for the motion to be made? Under the rules is not the right given to any Member to oppose any amendment for five minutes?

The CHAIRMAN. The motion of the gentleman from Virginia is not in order at this time if anybody directs a point of order to it.

Mr. SABATH. Then, I raise the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Amendment offered by Mr. HUDDLESTON: Page 5, line 24, after the words "SEC. 3," strike out all down to the word "hereunder," in line 10, page 6, and insert in lieu thereof the following: "That without the written consent of the Secretary of War no permit granted, nor shall any approval under this act be assigned or transferred, and no grantee under this act shall create any lien upon any power project developed under an approval made under this act by mortgage or trust deed unless approved by the Secretary of War and for the bona fide purpose of financing the business of the grantee. Any successor or assign of such property or project, or of any rights accruing hereunder, whether by judicial sale, foreclosure sale, or otherwise shall be subject to all the conditions of the approval under which such rights are held, and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original grantee hereunder."

Mr. HUDDLESTON. Mr. Chairman, this is a very important amendment, and I hope the committee chairman [Mr. FLOOD], as well as other gentlemen who really want to see a sure-enough bill written and a bill that ought to be written, will take note of what I am saying.

The Adamson bill does not give the right to create a lien upon the plant and works except by consent of the Secretary of War. This bill does give such a right. This bill as it now is gives the right to the permittee to create a lien upon its plant without the consent of the Secretary of War.

Mr. PARKER of New York. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. PARKER of New York. Does the gentleman know that if this bill passes and these companies are placed under the Public Service Commission of New York, it will be impossible for any concern to borrow a cent without the consent of the public-service commission?

Mr. HUDDLESTON. That is all I want to hear. [Laughter.] I do not yield further. I insist that we ought not to grant in this case more favorable terms to these permittees than are given under the Adamson bill. Does the Adamson bill mean anything, and should we have that clause in it? If so, let us put it in here.

Now, Mr. Chairman, this bill is giving a special favor to those concerns, allowing them to pledge their plants without anybody's consent. I hope that will be changed. I hope the chairman will insist that it be changed.

Mr. FLOOD. Where does the gentleman's amendment come in?

Mr. HUDDLESTON. If you will give me five minutes more, I will explain. I can not yield otherwise. I can not yield unless I get more time.

Now, I thank the gentleman from Tennessee [Mr. AUSTIN] for having me in mind and lecturing me. I appreciate the honor of his condescension. It shows I am rising in importance to be worthy of his attention in this fashion. [Laughter.] I feel grossly flattered. Far be it from me not to blush at the honor he confers upon me.

Mr. Chairman, I do not for a moment call in question the integrity or the ability of any gentleman from New York or any other Member on this floor. But if we are to leave the drafting of this bill to a couple of gentlemen who happen to live in the section of New York that is most vitally concerned, what are we here for? What are we debating this bill about? Just let them get off in a corner, and if they can agree—I do not believe they can—let the balance of us hand it over to them, and let them do as they please. Any such argument is absolutely absurd.

What we are here for is to legislate. I have taken an oath to do the best I can. I have given my word to do the best I can, undeterred by any kind of insinuation or intimidation or anything whatever of that kind.

The gentleman refers to hydroelectric power conditions in Alabama as being pretty bad. I do not hesitate to say that such is a fact. I wish they were better. God knows I wish they were better, and I intend at some time to make them better if I can. I told the gentleman that I do not know what rates the Alabama Power Co. charges. I do not know; nobody knows. I told the gentleman that they charge all that the traffic will bear. I tell him that now. They charge one price in one town and another price in another. So far as Birmingham is concerned, they do not deign to do their own skinning. In Birmingham they farm the privilege out to an intermediary, and the intermediary does what it likes. I am not going to defend conditions in Alabama, and because Alabama has been so woefully mistreated, because Alabama has been so unjustly oppressed, because I know what these power companies will do and the power that they have got and how many legislatures they can control and how the people are unable to cope with them, I am determined to use all the power that in me lies to rescue the people of the State of New York from any such exploitation. The gentleman can take that to his heart. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. MOORE of Pennsylvania rose.

Mr. BURNETT. Mr. Chairman, I rise to oppose the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I rose to oppose the amendment.

Mr. BURNETT. I want to reply to the very unjust and unfair speech of the gentleman from Alabama [Mr. HUDDLESTON] on his State.

Mr. FLOOD. Mr. Chairman, I move that all debate on this section and amendments thereto be limited to 10 minutes, 5

minutes to go to the gentleman from Pennsylvania [Mr. MOORE] and 5 minutes to the gentleman from Alabama [Mr. BURNETT]. Mr. COOPER of Wisconsin. Mr. Chairman, I want a few minutes.

Mr. FLOOD. How much time does the gentleman want?

Mr. COOPER of Wisconsin. Five minutes.

Mr. FLOOD. Mr. Chairman, I change my motion and move that in 15 minutes the debate on this section and all amendments thereto be closed, the additional 5 minutes to go to the gentleman from Wisconsin [Mr. COOPER].

The CHAIRMAN. The gentleman from Virginia moves that in 15 minutes the debate on this section and all amendments thereto shall conclude. The question is on agreeing to that motion.

The motion was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, the almost single-handed fight that is being made in behalf of the State of New York by the gentleman from Alabama [Mr. HUDDLESTON] against the protest of the New York Members has attracted my attention; it has refreshed my memory to a certain extent, as I am sure it will have refreshed the memories of some of the older Members of the House, when they recall the celebrated contest on this floor over the Black Warrior River. The Black Warrior River runs through the State of Alabama. In a discussion here on August 9, 1911, there was no division of sentiment so far as the Members from Alabama were concerned with respect to a grant of power to the Birmingham Water, Light & Power Co., "hereinafter styled the company," and so called throughout the bill, which proposed to take over water power that had been created by virtue of the construction by the Government of the United States of several dams for navigation purposes on the Black Warrior River.

The Rivers and Harbors Committee had brought in the bill which proposed "to improve the navigation on the Black Warrior River in the State of Alabama," and which proposed also to grant water-power rights to the Birmingham Water, Light & Power Co. One of the most distinguished gentlemen then sitting in this House, and one of the ablest men who ever came from the State of Alabama, was the predecessor of the present gentleman from Alabama [Mr. HUDDLESTON], the former chairman of the Ways and Means Committee, Mr. UNDERWOOD. [Applause.] Mr. UNDERWOOD was very strongly in favor of this bill, which proposed to turn over to the Birmingham company the water-power privileges resulting from the generation by the Government of water power on the Black Warrior River. The gentleman from Florida [Mr. SPARKMAN], as chairman of the Rivers and Harbors Committee, called up the bill and then offered a committee amendment, a portion of which I shall read for the information of these newer Members of the House, including the gentleman from Alabama [Mr. HUDDLESTON], the successor of Mr. UNDERWOOD, who is opposing this Niagara bill. Section 4 of the committee amendment read:

SEC. 4. That the Secretary of War is authorized and empowered to enter into a contract with the Birmingham Water, Light & Power Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, for the purpose of carrying out the stipulations and performances herein mentioned. It shall be provided in said contract that the company, its successors and assigns, shall have the right to construct, maintain, own, and operate, at its own cost, in connection with Dams and Locks 16 and 17, for a period of 50 years from the time fixed in this act for completion of the works herein authorized, electrical power stations and other structures for the development of water power for industrial and other purposes, and for converting to its own use, benefit, and profit the power developed with the surplus water not needed for lockage, including the right to sell, lease, or otherwise dispose of said power: *Provided*, That the company shall furnish and deliver, free of charge to the Government, at Locks 16 and 17, all power necessary for the operation of said locks and for the lighting of the Government grounds and houses situated at said locks. The said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power developed at Dams 16 and 17.

It then goes on and fixes a period of 20 years that this company may operate, paying the Government \$1 per horsepower, and then new conditions are to be made, and so forth.

The question immediately rose on the floor when Mr. UNDERWOOD was supporting this bill as to the right of Congress to turn over to a power company in the State of Alabama this water power created as stated at the cost of the Government of the United States. There was considerable debate upon the question, and a great difference of opinion, when the gentleman from Alabama [Mr. TAYLOR], who was very earnestly in support of the measure, made this statement:

One more suggestion: The State of Alabama has given the water-power rights to this water company at the head of this stream. The State of Alabama in her policy has already disposed of her rights. The policy of the State of Alabama and of her legislature and the construction of the law by her judges is that the General Government has no power over the water power of a State, and she has already given to this particular company the right to create a water power upon this stream above navigation.

So the question presented to the House by the gentlemen from Alabama was that, although the Federal Government had spent its money building locks and dams to improve navigation in the State of Alabama, and the State of Alabama through its legislature had decided that it wanted to control whatever profits arose from the power generated by these Government dams, therefore the Federal Government had no right to interfere with the State of Alabama, but must keep hands off so far as the regulation of the electrical power business within State limits was concerned.

I have not the time to go on further with this discussion now, except to say that one of the most vigorous supporters of this measure at that time was the forceful and popular predecessor of my friend the gentleman from Alabama [Mr. HUDDLESTON], the then distinguished leader of the House and now the Senator from the State of Alabama [Mr. UNDERWOOD]. [Applause.] If it is wrong to grant any privileges to the State of New York in this Niagara matter it certainly was wrong in 1911 to propose it for the State of Alabama in the matter of the Black Warrior.

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Wisconsin [Mr. COOPER] is recognized for five minutes.

Mr. COOPER of Wisconsin. I want to ask the gentleman from Virginia [Mr. FLOOD] if there is anything in the bill which would prohibit having a generating company and a transmitting company and a distributing company, all making profits between the water and the ultimate consumer?

Mr. FLOOD. I think so.

Mr. COOPER of Wisconsin. In that connection, before the gentleman answers the question, I call his attention to the language to which I directed attention a little while ago, on page 4, beginning at line 15—

And the permittee, after the completion of the works, shall operate the same continuously for the development and transmission of electric current, power, and energy for sale or for other commercial purposes.

In other words, they may generate it for sale or not, in their discretion. A literal interpretation of that would be that they could use it exclusively for their own private manufacturing purposes. If the one company were large enough, it could use all the water, generate the power, and sell it or not sell it. That language means, for example, that one company there, the Schoellkopf Co., could, at Niagara Falls, generate its own electric power and keep it exclusively for its own use.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. LA FOLLETTE. Has the gentleman overlooked the language on page 3, beginning in line 12?—

Every permit shall require the permittee, at all times during its operation under such permit, actually to engage in the business of furnishing light, heat, power, and electric current.

Mr. COOPER of Wisconsin. But it might furnish it to itself. Under this act it can generate it "for sale or other commercial purposes." It could generate the power and then itself use it all. Is not that a fair interpretation of that language?

Mr. LA FOLLETTE. If the company should use the power itself, do you think that would be actually engaging in the business of furnishing light, heat, power, and electric current?

Mr. COOPER of Wisconsin. In construing a statute all of its provisions should be considered together. This language is—shall operate the same continuously for the development and transmission of electric current, power, and energy for sale or for other commercial purposes.

What does that word "or" mean? The clause cited by the gentleman does not qualify, amend, or repeal or in any way change that. The language I have quoted is an express authority to generate and distribute electric current for sale or not for sale, in the discretion of the permittee. They can take it all for their own private use. Are we to turn Niagara Falls over to corporations to use for their own exclusive private commercial purposes? What does the language "for sale or other commercial purposes" mean? Clearly its only meaning is that the electricity is to be for sale or not for sale, in the discretion of the generating company. If that is not its meaning, let any person put any other rational interpretation upon it.

This is in many respects a well-drawn bill; but it does not require many defects of a vital character to make an otherwise good bill a fatally bad one.

Now, Mr. Chairman, I have here some of the testimony taken before our committee. State Senator Thompson, a member of the New York Legislature, said:

In New York State in the city of Niagara Falls and in Buffalo and in towns about the vicinity of Niagara Falls power is being sold so that when it is finally distributed to consumers they pay from 7 to 10 cents per kilowatt hour for current in a house.

From what I can see and learn people over there (Canada) in the various municipalities get their power for approximately 3 cents where the people on the United States side have to pay from 7 to 10

cents. That has been going on there for four or five years, and we can hardly ignore that condition any longer, and we ought to proceed on the idea of seeing what we can do for the ultimate consumer in this matter.

Again he testified:

The trouble is not with the generating company at all. They sell the power for \$15 a horsepower. . . . The difficulty is with the final distributing company and the intermediate distributing company.

There is a big difference between the price generating companies get and which the distributing companies get.

In other words, there is a big difference between what the generating company sells it for and what the ultimate consumer pays. The bill as drawn leaves it within the discretion of permittees to sell, transmit, and distribute the power, or in their discretion not to sell it, but to use it for commercial purposes, or, in other words, for their own exclusively private use.

Mr. BURNETT. Mr. Chairman, I would not live in a State where the legislature could be corrupted, as the gentleman from Alabama [Mr. HUDDLESTON] insinuated could be done in the State where he lives. I have spoken about corrupting legislatures, and I want gentlemen here to remember what the gentleman from Alabama said, and I want it to stay in the Record just as the gentleman said it.

Mr. Chairman, I had something to do with passing the first bill from which originated the Alabama Power Co., giving a private individual, Mr. Lay, of Gadsden, the right to build a dam across the Coosa River. My main purpose was to try to improve the navigation of that stream; and later on we passed through this House—and the distinguished ex-Speaker of the House [Mr. CANNON] made one of his splendid speeches in defense of it—a bill allowing the Alabama Power Co. the right to construct Dam No. 18, which would have opened up 30 more miles of the Coosa River to navigation if it had become a law.

President Taft vetoed the bill. A company that intended to develop the power there had even then contracted for the location of a nitrate plant in the city of Montgomery by which they could have extracted from the air 30,000 tons of nitrogen a year for sale to the farmers. As a result of that veto of Mr. Taft the company went into Canada and are now manufacturing thousands of tons of air nitrogen that the farmers of Alabama would have had the benefit of if our bill had passed.

The gentleman from Pennsylvania [Mr. MOORE] read from the remarks of Mr. UNDERWOOD, the distinguished gentleman from the district now represented by the gentleman [Mr. HUDDLESTON]. Mr. UNDERWOOD spoke for a similar proposition and took the same position in regard to State control that every Member of the Alabama delegation now takes except the gentleman from Alabama who sets himself up as the censor and the criterion by which all others should go. [Applause.]

We believe that the State of Alabama has the right to regulate the powers and their sale to the people. We have a public-utility commission elected by our people, and certainly we believe that they are competent to regulate these rates. We believe that the riparian owner has some rights in the stream also. Mr. Chairman, as a result of our law the Alabama Power Co. has established a station in my home town where, by their electric system, the price of power and lights was reduced 25 per cent. [Applause.]

All along the Coosa River there are a number of little towns that use it. One town, the town of Leeds, in the district of the gentleman from Alabama [Mr. HUDDLESTON], has an electric lighting system from this company that they would not be able to finance by themselves. I know that it is said that the coal interests, especially the interests around the gentleman from Birmingham, are opposed to it. I am not charging that the gentleman is influenced by that fact, but we know that the power company has never had a friend among the coal barons, because it comes in direct competition with them.

Mr. Chairman, only a few weeks ago one of the largest coal-mine owners in Alabama wanted to buy current from this electric power company to run his own coal mines because, he said, he could do it more cheaply than he could by using his own coal. Yet on account of the fact that we did not get the other bill through, this company with its limited power could not supply the current to these coal mines. Only a short time ago one of the railroad companies in Alabama notified one of the coal-mine owners that they were going to requisition the cars of coal of the coal companies that were loaded for the purpose of supplying consumers, but because the railroads were public-utility corporations they had that right and did take the cars of coal from the mining company.

Mr. Chairman, no railroad can stop the transmission of the current which this company is sending out to give light and heat and life to the poor people of that country. The gentleman from Alabama talked the other day about the horny-handed sons of

toil, and that they did not want this bill. Mr. Chairman, I have had three fights since I secured the passage of that dam bill, and that very charge was made against me every time, and every time my people, the people in the country, not in any city or in the environs of Birmingham, but people in the rural districts, have rallied to my support and defeated those who would cast an aspersion upon me. The gentleman does not represent Alabama, and does not represent its splendid people when he talks about controlling legislatures in the State that gave me birth. [Applause.]

Taking advantage of my leave to print, I desire to say something about the history of dam legislation on the Coosa River. This river flows through three counties in the district which I have the honor to represent. It is formed by the junction of the Etowah and Oostanaula Rivers at Rome, Ga. The Oostanaula is navigable at some seasons of the year for more than 100 miles above Rome. The Coosa is now navigable at all periods of the year for a distance of about 200 miles. But for about 100 miles of obstructions it would be navigable all the year to Montgomery, Ala., a distance from Rome of nearly 500 miles. Just above Montgomery it makes a junction with the Tallapoosa River, forming the Alabama River. From there to Mobile Bay is about 250 miles. On account of sand bars the river from Montgomery to Mobile has only a 4-foot navigation.

When I first came to Congress I set about to try to secure navigation from Rome to Mobile Bay. With this accomplished, we will have the longest navigable river in the South that flows into the sea except the Mississippi. The original project contemplated 4-foot locks and dams, and required 32 such locks and dams to overcome the obstructions in the river. I had Chairman Burton and several other members of the House Rivers and Harbors Committee to visit the river, and they were astonished at its magnitude and at the splendid country through which it flowed. However, the large estimated cost of constructing and maintaining so many locks and dams was a serious obstacle in the way of the Government undertaking the completion of the project, and the members of the committee were unanimous in the opinion that the cost should be partly borne by private enterprises constructing large dams for developing hydroelectric power.

Besides, the committee thought that 4-foot locks and dams would be totally inadequate. So the friends of the river in Congress secured a resurvey by the Government to ascertain whether the number of locks and dams could be reduced, and at the same time a deeper navigation be secured. This survey was made by Capt. Ferguson, one of the ablest Army engineers in the whole corps. After months of careful work he reported that by building 6-foot locks and dams we could secure deeper navigation and at the same time reduce the number of locks and dams to 20 instead of 32.

To overcome the obstructions of the shifting sand bars in the Alabama River he at the same time made a survey of the Etowah River above Rome and reported that by constructing two large dams on that river water could be impounded in the Etowah during the rainy season of the year and released during the dry season, and thus secure a 7-foot navigation on both the Coosa and the Alabama Rivers during the entire year. This report was laid before the Board of Army Engineers at Washington and was regarded as feasible, but the estimated cost of constructing the reservoirs and the locks and dams was to be so great that the board disapproved the new project. In the meantime Members of Congress from Georgia and Alabama secured the passage of a bill to allow W. P. Lay or his assigns to construct a dam at Lock 12, on the Coosa River, for developing water power.

The main purpose that those of us who urged the passage of this bill had was to aid in promoting navigation. The Government was doing almost nothing to make this great river navigable.

Capt. Lay, being unable to spend the large amount of money necessary to build the dam, sold to capitalists who constructed Dam 12 for the development of hydroelectric power.

By the construction of this dam several obstructions were submerged and more than 25 miles of the river was made navigable.

Later on the Bankhead-Hefflin bill was passed through Congress permitting the Alabama Power Co. to construct another large dam at Lock 19 for the purpose of developing the same kind of power. This bill was vetoed by President Taft. If it had become a law, 30 miles more of obstructions would have been overcome without a cent of expense to the Government.

Thus the obstructions in more than one-half the river would have been overcome, and, as was intimated by some members of the Board of Engineers, the Federal Government might well have afforded to construct the reservoirs and the remaining

locks and dams, and the long river would have had perennial navigation. The power company in anticipation of the passage of the bill had already secured a site at Montgomery on which to construct a large plant to extract nitrogen from the air and convert it into fertilizer for the farmers. It would have manufactured more than 30,000 tons of air nitrogen annually right at the doors of the farmers of the South.

When the bill was vetoed the company went to Canada and erected the very cyanamid manufactory that they intended to build in Alabama. Almost our entire supply of nitrogen comes from Chile, and that Government charges a large export tax on it, and our farmers in the South have that tax to pay, in addition to high rates for transportation. Thus we see this instance of what Pinchotism has done for the South and for the defeat of navigation on one of the greatest rivers in the land.

The Alabama Power Co. is right now asking the State public utilities commission to permit it to reduce its rates on electric-lighting current from 12 cents per kilowatt hour to 10 cents, a reduction of nearly 20 per cent, in all the towns it serves. I hold no brief for this company, do not own a dollar of stock in it, and have no interest in it except as it may help to develop the navigation of the Coosa-Alabama River and otherwise benefit the people of my State. Yet I feel it ought to be set before this body fairly and justly. The legislature of our State thought it enough of a benefactor to exempt it from taxation for five years.

The great steel plant at Gadsden is using much of its power to drive its immense machinery; a large cement plant at Ragland is also using it. Lincoln and 23 other towns and cities in Alabama are being served with hydroelectric power from Lock 12 at reduced rates, while Jasper, Wetumpka, and other towns are paying all the way from 12 to 20 cents per kilowatt hour for power and lights generated by coal. Many small towns that are using this power could never have been able to finance plants of their own.

If President Taft had not vetoed the proposition for the dam at Lock 18 many gins, mills, and other small industries would now be using power from that plant.

The development of hydroelectric power at Lock 12 on the Coosa River has established the operation of the electric steel industry in the State of Alabama at Anniston. With hydroelectric power, and only because of hydroelectric power available from the Lock 12 development on the Coosa River, could the electric furnace industry ever have been established in Alabama as it has been established. The Anniston Ordnance & Steel Co. secured an English order for shell steel, and the order has been partly filled and is still being filled, and the operations have proved a success, and so important, indeed, have the results been that from an unimportant beginning three electric steel furnaces are in operation and two additional and very efficiently constructed ones are being added and will be in operation within a very short time.

In the last two weeks this Anniston electric steel business has been refinanced and additionally financed to the extent of \$3,000,000, and the electric steel business in Anniston is to be placed upon a permanent basis and to form one of the most important steel industries in Alabama or in the whole South and is the only electric steel operation in all the Southern States. In fact, there is not in Alabama to-day any hydroelectric power of any reliable kind, either as to volume or price, that will serve in a large way the electric furnace industry in any of its lines of useful and highly important productions. Two years ago a Canadian engineer representing New England capital desired 5,000 horsepower, later to be increased to 10,000 horsepower, for the manufacture of abrasives through the electric furnace, using bauxite from Alabama, but they could name no rate that would compare with the rate at Niagara Falls, and the Alabama Power Co. could not furnish 5,000 horsepower for this purpose, let alone 10,000 horsepower. The result was that this abrasive industry, manufacturing material somewhat like emery wheels, was established in Canada, and to-day the bauxite is going from Georgia to Canada at a freight rate of more than \$5 per ton.

When the so-called conservationists are willing to forego their unconstitutional views with reference to taxing the people of the States for the use of the water in the States, then and not till then will the water powers daily wasting in our rivers make wonderful contributions to the reduction of the high cost of living through the operations of electric furnaces in producing cheaper fertilizers that will result in cheaper food crops and cheaper steels made out of low-grade ores and scrap iron.

Such developments as those mentioned would have been almost impossible but for the use of the hydroelectric power from this plant.

May I bring to your attention a very concrete example of how it is that the Alabama Power Co., with its great central stations, hydroelectric at Lock 12, and steam station at Gadsden on the Coosa, and its new steam station now completing on the Warrior River, can furnish and is furnishing electric lighting current to the people of Alabama towns at rates that positively can not be afforded by those lighting companies or those municipalities operating their own electric lighting stations with steam coal. At Sheffield the Sheffield Co. has a steam electric station conceded by engineers everywhere who know of the fitness and efficiency of this station to be second to none perhaps in the South. The electric lighting rate now charged by the Sheffield Co. to the towns of Tusculumbia, Sheffield, and Florence is 12 cents per kilowatt hour, and even with this efficient station it is impossible to reduce the lighting rates in these three towns to 10 cents, as the Alabama Power Co. is doing. And, by way of comparison, the Alabama Power Co. has reduced its rates in Decatur and in Huntsville to 10 cents. Its large operations enable that company to absorb the less profitable and, in fact, losing operations at Huntsville and Decatur, but the Sheffield Co. has no way to absorb anything, that company being too small.

Should the rates of this company ever become excessive, how much easier it will be for small towns and small industries to get relief by going before our State utilities commission at Montgomery than to have to come to officials of the War Department at Washington.

But, gentlemen, a more important question than any of these is the fact that these so-called conservationists, who are really obstructionists, are abandoning some of the fundamental principles of State rights and local self-government.

It has been the law from time immemorial that riparian owners of the banks along navigable streams have the absolute right to the use of the water of the stream, subject to the rights of the Government for navigation purposes.

As an example as to how the Supreme Court of the United States and the State supreme courts have held on this subject from the foundation of the Government up to the present time, we quote:

WATER COMPANY V. WATER BOARD.

(168 U. S., p. 366.)

The high court says: "The jurisdiction of the State over this question of riparian ownership has been always, and from the foundation of the Government, recognized and admitted by this court.

KANSAS V. COLORADO.

(206 U. S., p. 46.)

In this case it was held, in substance, that where the Federal Government is not interested as the owner of riparian lands the only interest it has in the water of a stream is as to its use for purposes of navigation, and it can lay no claim to the use of the water for any other purpose, not even for irrigation.

UNION DEPOT CO. V. BRUNSWICK.

(31 Minn., p. 297.)

Whether the fee to the bed or only an easement therein are in the riparian owner may be a question of speculative interest, but it is not one of any particular importance. If the fee be in the riparian owner, yet, of course, it must be a qualified fee; that is, subject to the paramount right of navigation. But if it be in the State the riparian owner still has, subject to the same public right, the exclusive right of possession and the entire beneficial interest.

UNITED STATES V. CHANDLER-DUNBAR WATER POWER CO.

(229 U. S., p. 51.)

This is the latest decision of the Supreme Court of the United States on this subject. It was rendered May 26, 1913, and among other things that court said:

"That riparian owners upon public navigable rivers have, in addition to the rights common to the public, certain rights to the use and enjoyment of the stream which are incident to such ownership of the bank must be conceded. These additional rights are not dependent upon title to the soil over which the river flows, but are incident to the ownership of the bank."

Ye old-time Democrats, what has become of your old-time democracy?

Ye advocates of State rights, are you going to abandon it to a lot of bureaucrats in Washington?

The Federal power has already trenched too far upon the reserved rights of the States, and Democrats in Congress are to a great extent responsible for these new departures.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected.

Mr. CLINE. Mr. Chairman, at this point, as was indicated two weeks ago, and was stated this morning, I now offer the recapture clause in the Adamson bill, which has passed this House three times.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

On page 6, after line 17, amend by inserting the following:

"That the rights granted herein shall continue for a period of 50 years from and after the completion of the diversion structures and

works in accordance with the plans and specifications approved therefor under section 2 of this act: *Provided*, That any such may be declared null and void upon breach of any of the terms or conditions of approval as provided herein: *And provided further*, That whenever the Secretary of War shall determine that the diversion of water herein authorized in connection with the amount of water diverted on the Canadian side of the river interferes with the navigable capacity of said river, or its proper volume as a boundary stream, or its efficiency as a means of national defense, he may revoke any permit: *And provided further*, That whenever the Secretary of War shall determine that the diversion of water herein authorized in connection with the amount of water diverted on the Canadian side of the river affects the scenic grandeur of the Falls of Niagara, he may revoke any permit after reasonable notice to the permittee of his intentions to make such revocation.

"That at any time after the expiration of any permit made hereunder, upon six months' notice of intention to do so, given either before or after the expiration of the permit, the United States, or any person authorized by Congress, may take over such works used by the permittee for the generation and transmission of electrical energy which are dependent for their usefulness on the continuance of such grant: *Provided*, That by 'transmission' there shall be understood the wires, conduits, poles, or other devices used to convey electrical energy to the point of its application; but that nothing herein contained shall obligate the United States to purchase any property beyond such generating plant and transmission lines: *Provided further*, That the United States may also purchase, at its discretion, such lands and other property of any grantee acting under the terms of this act as in the judgment of Congress may be deemed advisable upon condition that it shall pay before taking possession, first, the reasonable value, not exceeding the actual costs of the works constructed under the approval of plans and specifications, rights of way, lands, and interests therein purchased or taken over by it; and, second, the reasonable value of all other property taken over, including structures and fixtures acquired, erected, or placed upon the lands and included in the generation or transmission plant and which are dependent as herein above set forth, such reasonable value to be determined by mutual agreement between the Secretary of War and the permittee or owners of such property, and in case they can not agree, by proceedings instituted for that purpose in the United States district court for the district in which said property or some part thereof is situated, but in no case shall the amount exceed the actual cost: *Provided*, That such reasonable value shall not include or be affected by the value of the franchise or good will or profits to be earned on pending contracts or any other intangible elements.

"That in the event the United States does not exercise its right to take over, maintain, and operate the properties as provided in section 5 hereof, the Secretary of War may renew the approval of plans and specifications, either original or modified, upon such terms and conditions and for such periods as may be authorized under the applicable laws that may be in force at that time, or the Secretary of War is authorized, upon the expiration of any grant under this act, to approve terms and conditions under which a new permittee may operate such properties for such periods as applicable laws may then authorize upon the further conditions that the new permittee shall pay the original permittee for the properties as provided in section 5 of this act.

"That where, in the judgment of the Secretary of War, the public interest requires or justifies the execution by any permittee of contracts for the sale and delivery of water power or electrical energy for periods extending beyond the life of the permit, but for not more than 20 years thereafter, such contracts may be entered into upon the approval of the said Secretary, and thereafter, in the event of the exercise by the United States of the option to take over the plant in the manner provided in either section 5 or 6 hereof, the United States or its new grantee shall assume and fulfill all such contracts.

"That if any permittee fails or refuses to comply with any conditions contained in any permit issued hereunder or with any of the provisions of this act or any regulation or lawful order of the Secretary of War made in pursuance hereof, it shall constitute a misdemeanor and be punished by a fine not exceeding \$2,000 nor less than \$500, or by imprisonment not exceeding 1 year nor less than 30 days, or both, in the discretion of the court; and each and every day on which such violation occurs or is committed shall be deemed a separate offense: *Provided*, That where such violation is charged against the company or corporate body, the offense shall be taken and deemed to be that of any director, officer, agent, or employee of such company or corporate body ordering, directing, or permitting the same, and in addition to said penalties the Attorney General may, on request of the Secretary of War, institute proceedings in equity in the district court of the United States where the works are located to compel the grantee to comply with the terms of this act and of the permit by injunction, mandamus, or otherwise, and such court shall have full jurisdiction over the proceedings, with power to make and enforce all decrees necessary to compel the permittee to comply with the terms and conditions of this act and of the permit and orders and regulations of the Secretary of War, and if the permittee continues after final judgment in either civil or criminal proceedings the violations complained of the court may, if it deems necessary in the public interest, decree the revocation of all rights and privileges held hereunder. In case of such a decree the court may wind up the business of such grantee conducted under the rights in question, and may declare such diversion structures and accessory works to be an unreasonable obstruction and cause their removal at the expense of the grantee owning or controlling the same, or may provide for the sale of such diversion structures and all accessory and appurtenant works constructed under authority of this act for the further development of water power, and may make and enforce such other and further order and decrees as equity demands; and in case of such a sale for the further development of water power the vendee shall take the rights and privileges and shall perform the duties which belonged to the previous permittee, and shall assume such outstanding obligations and liabilities arising out of the maintenance and operation of such diversion structures and accessory works for power purposes as the court may deem equitable in the premises."

Mr. SMITH of Minnesota. Mr. Chairman, is this in the same language as the Adamson bill, so far as the recapture clause is concerned?

Mr. CLINE. The recapture clause was taken word for word from the Adamson bill.

Mr. SMITH of Minnesota. But there is a great deal more than that clause in that amendment.

Mr. CLINE. The other provision in connection with that has been included so that the Government has the option of

winding up the business of the concern or taking it over, as the Adamson bill provides.

Mr. SMITH of Minnesota. Is it the intention of the committee to ask a vote upon this bill to-night?

Mr. CLINE. We expect to. If we ever have a vote upon it, we will have to have it to-night.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. CLINE. Yes.

Mr. HUDDLESTON. Some one has just handed me a copy of a bill marked "Confidential committee print." Is that the bill from which the Clerk read this clause?

Mr. CLINE. That is the bill, but it is not the entire bill that is offered.

Mr. HUDDLESTON. What part is it that is offered as an amendment?

Mr. CLINE. It is all in italics, beginning on page 6, at section 4.

Mr. HUDDLESTON. Then the gentleman's amendment consists of sections 4, 5, 6, 7, and 8 of this confidential print?

Mr. CLINE. It comprises the recapture clause.

Mr. HUDDLESTON. Is that the gentleman's amendment?

Mr. CLINE. Yes; I asked to have those all read, because they have been passed upon so many times by the House. I thought there would be no objection to them. The gentleman will remember that the gentleman from Kentucky [Mr. SHERLEY] and several others two weeks ago made some objections to the bill because it did not have a recapture clause.

Mr. SABATH. Is this an amendment offered in lieu of section 4 of the bill under consideration?

Mr. CLINE. It is not in lieu of anything.

Mr. HUDDLESTON. Mr. Chairman, I reserve the point of order upon the amendment.

The CHAIRMAN. The gentleman from Alabama reserves the point of order.

Mr. HUDDLESTON. I am anxious to understand it.

Mr. CLINE. This is not offered in lieu of anything, but it is offered as an amendment to the bill.

Mr. HUDDLESTON. Is it added to some section?

Mr. CLINE. Added to section 4.

Mr. HUDDLESTON. It is added to section 4?

Mr. CLINE. Yes.

Mr. HUDDLESTON. At the end of section 4; is that where it comes in?

Mr. CLINE. It comes in immediately after section 4. It begins on page 6 at the end of line 17.

Mr. HUDDLESTON. May I ask the gentleman what is the necessity of completely changing section 5?

Mr. CLINE. No; it does not completely change section 5.

Mr. HUDDLESTON. May not I ask the gentleman if it would not be better to offer it to one section at a time? It is so long many of us, I among others, perhaps do not comprehend it fully.

Mr. CLINE. It is offered as an amendment in conjunction with the provisions set out in sections 4 and 5 for the purpose of giving the Government the option of either closing up the business or of taking the business over and reissuing permits to another if it does not desire to do the business itself. I say the recapture clause was offered in connection with sections 4 and 5 providing that the Government should have the option of either taking over the property or leasing it or issuing a permit to another permittee and providing also a means under which it might be transferred from the original permittee to an assignee. It is the same as provided in the Adamson recapture clause. And I will say to the gentleman if the time should ever come that we can get a vote upon the bill it will go to conference, and if there is any difficulty about it in this particular it will be taken care of. It was not the purpose to cover up anything, but was offered in connection with the provisions of the bill following sections 4 and 5.

Mr. STAFFORD. Mr. Chairman, does not the gentleman realize it is very difficult for us to pass judgment upon this recapture clause, because it has never heretofore been submitted to the House? The gentleman offers for consideration a very important proposition, an amendment that is merely a committee amendment to a bill that is pending in another committee, namely, the Committee on Interstate and Foreign Commerce. To show the difficulty that confronts the committee, I want to point out one defect that is obvious to gentlemen of the committee upon the mere presentation of it. At the beginning of this session to-day the inquiry was made whether the chairman of the committee or some one could not acquaint the committee with this recapture clause. Here at half past 4 o'clock in the afternoon we are advised of what the recapture clause is.

Mr. CLINE. I will say to the gentleman from Wisconsin, and to every other member of the committee, that the recapture clause in the Adamson bill has been adopted three times in this House, and it is now in conference between the House and Senate.

Mr. STAFFORD. I wish to say to the gentleman I have studied the recapture clause as carried in the Ferris bill, and I was under the impression that that recapture clause would be offered as an amendment rather than the recapture clause embodied in this bill. Further, I wish to direct the attention of the gentleman to the fact that there are some corrections which must be made if it is going to be applicable at all. I have just glanced over the first paragraph of the proposed amendment, and I see there are some changes which must be made in order to identify it properly with the bill under consideration. For instance, in line 21, page 6, the committee proposes an amendment which says, "In accordance with the plans and specifications approved therefor under section 2 of this act." The plans and specifications were included in section 2 of the act under consideration, but that has been changed to section 3 by an amendment which was adopted here to-day.

Mr. CLINE. That is a mere typographical error.

Mr. STAFFORD. I know; but it is an error nevertheless and just shows that care should be exercised in offering these amendments.

Mr. CLINE. I will say that care was exercised, and in section 2 as provided there are four separate propositions, and they have been numbered as sections 3 and 4 since we have discussed this bill.

Mr. STAFFORD. I understand how that happened, but still, nevertheless, you will find that we have got to go over it very carefully.

Mr. FLOOD. The statement I want to make is this: There are three of these bills which contain the recapture clause, and if this one passes and goes to the Senate there will be three in conference between the House and Senate. My idea is to use the recapture clause in the Adamson bill bodily for this bill, and when the three bills are in conference in the Senate the conferees on the different bills will get together and agree to the same recapture provision for all three bills.

Mr. ROGERS. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. ROGERS. Do I understand the proposed amendment is a substitute for sections 4 and 5?

Mr. FLOOD. Yes.

Mr. ROGERS. Then it is not a substitute for section 5 as far as the text goes?

Mr. FLOOD. No.

Mr. ROGERS. Section 5 as it now stands will remain in the bill, but with a different section number?

Mr. SABATH. I do not so understand.

Mr. FLOOD. This is a substitute for sections 4 and 5.

Mr. ROGERS. Will the gentleman yield?

Mr. STAFFORD. I yield for a question and answer.

Mr. ROGERS. So section 5 become unnecessary?

Mr. FLOOD. Yes.

Mr. STAFFORD. The gentleman is rather sanguine of this recapture clause getting into conference. If my recollection serves me right, the Ferris bill is not in conference and it is not expected it ever will be. The Adamson bill has been in conference for five months, and it is strangled there, and so I do not know whether this bill will get as far as the Adamson-Shields water-power bill.

Mr. FLOOD. If it does not get into conference, it will not become a law.

Mr. STAFFORD. There are only three weeks remaining, and there is not much prospect.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. HUDDLESTON. This proposed amendment fixes the terminate period for 50 years flat, whereas the bill we have been considering provides the permit shall not last longer than 50 years; shall not have a longer life than 50 years.

Mr. STAFFORD. The gentleman is correct. I think this amendment should be withdrawn from further consideration by the committee.

Mr. HUDDLESTON. I would like to ask the committee chairman if he will yield. I make the point of order, Mr. Chairman, that it is not germane, and that it embraces two sections and is not germane to the section. It seems to me there are a number of sections that are here offered as an amendment to a single section which are not germane to the bill. I do not think any of them are germane. It certainly contains many provisions which are entirely new, and although there may be pro-

visions in the amendment which are germane there is so much that is not germane carried in the amendment it seems to me the whole amendment should fail. Section 4 of the bill, to which I understand this amendment is offered, says: "Any violation of the provision of this act or any regulation or order of the Secretary of War," and so forth. That is the amendment that was offered. It is totally different from the bill that we have. The bill under consideration prescribes certain conditions in all of which the permit will be revoked, and that is all it relates to. It relates merely to the ground on which the Secretary will revoke the permit. Now, the bill we have here does not confine itself to that subject by any means—I mean the amendment. It does not confine itself to that subject at all. It proceeds to deal with a number of other points. It changes the period of the permit, in the first place; it changes from a permit for not exceeding 50 years to a permit for 50 years.

Mr. FLOOD. May I interrupt the gentleman?

Mr. HUDDLESTON. Certainly.

Mr. FLOOD. You have a copy, or a confidential print, that somebody has gotten?

Mr. HUDDLESTON. Yes.

Mr. FLOOD. How would it meet your views to offer as the recapture clause of this bill sections 5, 6, and 7, as you see them in the confidential print?

Mr. HUDDLESTON. I have not read it, and it is practically impossible that we should gather the purport of it by having it read over to us, with no chance to study or compare it.

Mr. FLOOD. You have studied the recapture rules of the Adamson bill and you have offered a recapture clause from the Adamson bill; sections 5, 6, and 7 are taken bodily from the Adamson bill.

Mr. HUDDLESTON. I do not recognize it, I will say to the gentleman. It seems to have in it a good deal the Adamson bill has not got. The recapture clause of the Adamson bill is not in here in this form, so far as I can grasp this. I think for the reason I have stated, Mr. Chairman, the amendment is not germane.

The CHAIRMAN. The Chair will hear the gentleman from Indiana or the gentleman from Virginia. The Chair will say that this, of course, is a very complicated amendment, and the rule as to germaneness is sometimes a very difficult one of application. Therefore, the Chair is not prepared to rule on an amendment like this without being advised of the amendment and its application to the pending bill.

Mr. FLOOD. I did not catch the statement of the Chair.

The CHAIRMAN. Of course, when the Chair comes to a ruling on the question of germaneness it will be difficult for the Chair to make an intelligent ruling on as extensive amendment as this is without being apprised of the nature and relevancy of it to what is contained in the bill itself.

Mr. FLOOD. The amendment offered by the gentleman from Indiana [Mr. CLINE] is the recapture clause, in three sections or more, taken from the Adamson bill, that passed the House. This is a bill to grant the right to use water for power purposes at Niagara Falls, and providing that the charges for the use of this water should be regulated by the Public Service Commission of the State of New York, and providing further that under certain conditions there shall be a forfeiture of all rights under this act, a charge for the use of water and for other purposes relating to the use of water for power purposes.

The amendment makes it clearer how the Government can take possession of the property than any other provision in the bill. It is a proper part of the bill and therefore it is germane, although there are some portions of it that I did not understand would be offered as a part of this amendment.

My suggestion to the gentleman from Indiana [Mr. CLINE] is that he take sections 5, 6, and 7 of the Adamson bill and offer them as the recapture clause of this bill, and leave sections 4 and 5 of the present bill as they stand.

The CHAIRMAN. The Chair will state that this amendment has been really offered prematurely, because section 4 has not yet been read. Of course no point of order having been made as to that and the discussion proceeding informally, the Chair has not notice of that.

Mr. FLOOD. Then I ask, Mr. Chairman, that the Clerk read to that point.

The CHAIRMAN. The Clerk will read.

Mr. HUDDLESTON. Do I understand the Chairman to rule on the matter?

The CHAIRMAN. Not at this time. The Chair directs the formal reading of the bill to that point at which the amendment can properly be added.

Mr. HUDDLESTON. My reservation of the point of order holds?

The CHAIRMAN. Yes.

Mr. STAFFORD. I understand the Chair says the amendment as to the recapture clause is not now before the House for consideration?

The CHAIRMAN. It is not now really in the possession of the House, although it was inadvertently offered. The Clerk will read.

The Clerk read as follows:

Sec. 4. That any violation of the provisions of this act, or of any regulation or order of the Secretary of War or the Chief of Engineers, made pursuant hereto, or of the requirements of any permit issued under this act, shall constitute a misdemeanor and be punished by a fine not exceeding \$2,000 nor less than \$500, or by imprisonment not exceeding one year nor less than 30 days, or both, in the discretion of the court; and each and every day on which such violation occurs or is committed shall be deemed a separate offense: *Provided*, That where such violation is charged against the company or corporate body, the offense shall be taken and deemed to be that of any director, officer, agent, or employee of such company or corporate body ordering, directing, or permitting the same: *Provided further*, That if any permittee shall at any time fail or refuse, after receiving reasonable notice thereof, to comply with any of the provisions of this act or with any of the conditions of the permit, or any lawful order or regulation made by the Secretary of War and Chief of Engineers in accordance with the provisions of this act, the Secretary of War may, in addition to said penalties, revoke said permit, and thereupon all rights under said permit shall cease and determine: *Provided further*, That the Secretary of War may, in lieu of revoking the permits as provided in the preceding proviso, in a case where the public interest would, in his judgment, be better protected by such judicial procedure, give information of such violation to the Attorney General, who shall institute proper proceedings in the district court of the United States in the district in which any structures or any appurtenant or accessory works constructed or acquired under the authority of this act may in whole or in part exist, for the purpose of having such violation stopped by injunction, mandamus, or other process; and any such district court shall have the power to make and enforce all writs, orders, and decrees necessary to compel the compliance with the requirements of this act and the lawful regulations and orders of the Secretary of War and the Chief of Engineers and the performance of any condition or stipulation imposed under the provisions of this act; and if the unlawful maintenance and operation be deemed by the court to be such as shall require in the public interest a decree revoking all rights and privileges held under authority of this act, the court may, upon prayer of the Attorney General and the finding of the court to that effect, decree such revocation, and in case of such a decree the court may wind up the business of such permittee conducted under the rights in question, and may decree the sale or removal of such structures and appurtenant property constructed or acquired under authority of this act, and may make and enforce such other and further orders and decrees as equity demands; and in case of such sale, the vendee shall take the rights and privileges, and shall perform the duties which belong to the permittee, and shall assume all outstanding obligations and liabilities of the permittee which the court may deem equitable in the premises: *And provided further*, That it shall be the duty of the Secretary of War to take such steps as may be practicable to terminate immediately and effectually any diversion of water in the United States from the Niagara River in violation of the provisions of the treaty between the United States and Great Britain, proclaimed May 13, 1910, concerning boundary waters between the United States and Canada: *And provided further*, That whenever the Secretary of War shall determine that the diversion of water herein authorized in connection with the amount of water diverted on the Canadian side of the river interferes with the navigable capacity of said river, or its proper volume as a boundary stream, or its efficiency as a means of national defense, he may revoke any permit: *And provided further*, That whenever the Secretary of War shall determine that the diversion of water herein authorized in connection with the amount of water diverted on the Canadian side of the river affects the scenic grandeur of the Falls of Niagara, he may revoke any permit after reasonable notice to the permittee of his intentions to make such revocation: *And provided further*, That in any case where the Secretary of War shall revoke any permit granted under authority of this act, he may remove, or cause the removal of, any structures or parts of structures, or any construction incidental to or used for the diversion of water or the transmission of power as herein provided, and such removal may be enforced by mandamus, injunction, or other summary process by application to the district court of the United States in the district in which such structure may in whole or in part exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Chief of Engineers or the Secretary of War.

Mr. CLINE. Mr. Chairman, I ask unanimous consent to withdraw the amendment that I offered.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to withdraw the amendment he offered. Is there objection?

Mr. SABATH. Mr. Chairman, is that the amendment that was read before this section was read?

The CHAIRMAN. The Chair so understands. Is there objection?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Mr. HUDDLESTON. Mr. Chairman, is that the end of the paragraph?

The CHAIRMAN. That is the end of the section.

Mr. HUDDLESTON. I have an amendment to offer.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDDLESTON: On page 10, line 5, after the word "War" add the following: "The Secretary of War may at any time before the expiration of any permit granted hereunder at his discretion cancel same and take over, or authorize any governmental bureau or agency or private permittee to take over, the diversion structures of any permittee and the plant, works, lands, lines, and property used in connection therewith, payment for same to be made at such price

as may be agreed upon by the Secretary of War and the permittee whose property is taken, or, if they can not agree, such price to be fixed by proceedings instituted for that purpose in the United States district court for the district in which said property or some part thereof is situated, but in no case shall the price exceed the actual cost of the property taken nor the value of the property at the time of the taking, and such price shall not include or be affected by the value of the franchise or good will or profits to be earned on any other intangible element: *Provided*, That in case of war or other emergency, to be judged of by the Secretary of War, the United States shall have the right hereby reserved to requisition and take possession of any or all of said property and operate the same for its own use and benefit as long as the necessity or emergency continues, and compensation for such use and occupation shall be determined and paid as heretofore provided in this section."

Mr. SABATH. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SABATH. This is a very important amendment, and we ought to have a quorum. It seems to me there is no quorum present. I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point that there is no quorum present. The Chair will count. [After counting.] Over 100 gentlemen are present, a quorum.

Mr. HUDDLESTON. Mr. Chairman, the amendment that I have offered is a recapture clause. It is the same in substance as the recapture clause in the Adamson bill, with this important exception: The Adamson bill provides for the recapture after the expiration of the grant or permit; the amendment I have offered provides for recapture at any time. In other words, under this amendment, if adopted, the Secretary of War may, at his discretion, cancel the permit and take over the works of the permittees. If that is done, then the permittees must be paid a fair price for the property taken over and all that is contingent to it—their works, plant, and so forth; the price to be ascertained by agreement, if possible, and if not by agreement, then by condemnation proceedings.

It is further provided by the amendment that the price paid shall not exceed the actual cost of the property taken nor its actual value. So that it safeguards, as fully as my ingenuity will permit me to attempt, the rights of the Government and the rights of the permittees.

The purpose of this amendment is to make this permit revocable—revocable at the will of the Government.

Mr. KENT. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. I will.

Mr. KENT. I would like to ask the gentleman whether in his amendment there is any specification as to what the Government would have to purchase in taking it over?

Mr. HUDDLESTON. There is. I am sorry I have not a copy of it, so that I could read it to the gentleman. But it includes the diversion structures, the plants, works, transmission lines, lands, and other property incident to the generation of electricity and the transmission of it.

I do not want to take away from the generating companies anything that belongs to them. I think if the Government elects to cancel their permits at any time, we ought to pay them the value of their property, but there is no reason for giving them anything more. There is not any reason at all for paying them any more, and therefore I have limited the price to be paid them to the actual value of their property, not exceeding its cost.

Mr. FLOOD. That is what the Adamson Act does.

Mr. HUDDLESTON. That is exactly the same as the Adamson provision, so far as the substance of it is concerned, with the exception that the Adamson provision only allows recapture after the expiration of the grant.

Now, there is reason why we should have the power of recapture at Niagara Falls, and not under the Adamson bill. The Adamson bill is of general application, applying to the country as a whole, and perhaps it might hamper development to give the power to revoke at any time, because capital could not be induced to invest. But at Niagara the capital is already invested, and it knows what returns it is going to get, and therefore there will be no added risk or hazard. It is an absolute certainty, and so my proposition protects, as fully as can be done, the rights of all parties.

Mr. OGLESBY. Does the gentleman think there should be the right of recapture irrespective of whether there is a breach by the lessees?

Mr. HUDDLESTON. I do. I do not think we ought to grant Niagara away without the power to take it back if we find it for the public welfare that that should be done. We can not tell when an emergency might arise that would cause the Government to find it very necessary to take over these works; and if we take them over and pay the company the cost and value, surely they can not complain. They are there, they have already made their investments, there is no hazard to be taken. It is a perfectly simple matter. I most strenuously object to the Federal Government yielding up this great

water power for 50 years without the ability to take it back again.

Mr. SMITH of New York. Suppose the Niagara Power Co. should rebuild their plant at a cost of \$20,000,000, and one year afterwards, after they had put in all this money, the Government should come in and say, "We are going to take this property over at cost." The money of the investors has been spent. They have had no interest on it, and it would be a practical confiscation of the property.

Mr. HUDDLESTON. The Government would pay for the property.

Mr. SMITH of New York. Actual cost, but no profit.

Mr. HUDDLESTON. Why should the companies have a profit if they get their money back? They have had the advantage of this water power. They know what they are doing—

Mr. SMITH of New York. They do not know.

Mr. HUDDLESTON. They have had the property for a year in the case the gentleman supposes. Why should we give them a profit on the investment that they made, other than that which they have earned? Would the gentleman say we ought to allow them 10 or 25 per cent above the money they have actually spent? How can he justify such a proposition as that?

Mr. SMITH of New York. They should certainly have more than it cost them. They should have interest on their money for that time.

Mr. HUDDLESTON. That is part of the cost. That is a part of the investment.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Alabama.

The question being taken, on a division (demanded by Mr. HUDDLESTON) there were—ayes 10, noes 61.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 6. The Secretary of War, in granting any permit for the diversion of water under this act, shall include therein a provision requiring the payment to the United States of a reasonable annual charge, assessed on the basis of the quantity of water diverted. At the end of 20 years and every 10 years thereafter the Secretary of War shall readjust the annual charge as may then be just and reasonable.

SEC. 7. That no permittee under this act, nor any distributor of powers or energy generated by such permittee—

Mr. AUSTIN. Mr. Chairman—

Mr. SMITH of New York. Mr. Chairman, I move to strike out section 6.

Mr. FLOOD. Mr. Chairman, the gentleman is too late.

Mr. AUSTIN. I was on my feet demanding recognition to make a motion to strike out section 6.

The CHAIRMAN. The gentleman from Tennessee.

Mr. AUSTIN. Mr. Chairman, I move to strike out section 6.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 10, by striking out section 6, from line 12 down to and including line 19.

Mr. AUSTIN. Mr. Chairman, this bill in its present shape will not pass the Senate. That body has gone on record six times as against the legislative proposition contained in section 6. It has got to reverse itself for the last 8 or 10 years, because it has been against that proposition almost unanimously during that time. In other words, we must, in order to have this bill enacted, see a revolution in the United States Senate on section 6. We have to reverse the decisions of our highest court, the Supreme Court of the United States, for more than 100 years.

We have no right under any existing law, or under the Constitution of the United States, to take from the sovereign State of New York its rights and interests that it has enjoyed since the Constitution was adopted. Here is the National Government going afield and invading every nook and corner of the land to raise revenue to run the Government. We have actually gone in under recent revenue laws and taken the field of taxation which has been enjoyed heretofore by the respective States. The inheritance tax, the tax on theaters, moving pictures, billiards, and any number of occupations and trades which we have imposed taxes upon have heretofore been enjoyed by the States and municipalities. We have invaded that field. If we do not stop reaching out for direct taxation we are virtually going to rob the States of the opportunity to raise money to pay their expenses unless we tax the people practically to death on their personal property, business, and real estate. We have reached the period in legislation where we have drifted from the field of indirect taxation and invaded the field of direct taxation.

In this bill we are attempting to take from the State of New York, and every State in the Union, in violation of the decisions

of the Supreme Court, the rights of the States to own and control the water power in this country. The Government of the United States, according to the decisions of the Supreme Court based upon section 8 of the Constitution, from Chief Justice Marshall down to the 11th of December, 1916, have passed upon virtually the same issue involved in this bill and held that these rights belong to the States.

I know that we have been swept off our feet in this House by the belief that the National Government, because it had the right under the Constitution to look after navigation and commerce, owns the beds of the rivers and the banks of the streams and the waters in the rivers, and has the right to tax and use them, when the Supreme Court has said that the right belongs to the State.

According to a statement of a leading professor in the University of Tennessee—Prof. John A. Switzer—there is over 600,000 undeveloped horsepower within 75 miles of Knoxville, Tenn. Do you think in the face of the decisions of the Supreme Court of the United States that I am going to stand here and vote for a proposition which robs my State of the power of taxation on 600,000 horsepower; to take from the people of Tennessee and my constituents a source of revenue to run their local government given them by the fathers of the Republic and sustained by the Supreme Court of the United States for more than 100 years? You may put such a bill through this House, but there is not a man here who will be living when such a bill will ever be passed by an American Congress. [Applause.]

Now, what does this bill propose? It proposes to write a law which will force the power companies authorized and chartered under the laws of the State of New York to cancel and violate and destroy contracts which they made with the consumers of power. You have not that right. You attempt to exercise it, and no court of justice will permit you to do it.

They have up that very question in the proposed constitution of Mexico, where they are seeking to adopt a provision which will be a plain violation of contracts in Mexico, and this administration is insisting that these contracts, involving the rights of American business men in Mexico, shall be kept. While we are making at this very time protests against violating contracts in Mexico, the House of Representatives is attempting to write a law to do practically the same thing in the State of New York.

Now, we ought to have water-power legislation for the development of this country, but let us do it fairly, honestly, and in strict compliance with the law and in strict obedience to the decisions of the Supreme Court of the United States.

Mr. SABATH was recognized.

Mr. MILLER of Minnesota. Mr. Chairman, I was on my feet before the gentleman from Illinois was recognized.

The CHAIRMAN. The Chair did not see the gentleman.

Mr. MILLER of Minnesota. I will say to the Chair that I have risen 20 times this afternoon and have not yet been recognized.

The CHAIRMAN. The Chair will recognize the gentleman after the gentleman from Illinois.

Mr. COOPER of Wisconsin. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER of Wisconsin. How much time will there be upon this for debate?

Mr. SABATH. That can be settled later on.

Mr. COOPER of Wisconsin. I think there ought to be sufficient debate on this in view of the fact that the constitutional question has been raised, and we ought not to decide it in less than 10 minutes' debate on a side.

Mr. SABATH. Mr. Chairman, the gentleman from Tennessee [Mr. AUSTIN], who has preceded me, is very candid in the reasons that he assigns in favor of striking out section 6, which provides for reasonable compensation to the Government for the use of water for power purposes on the part of the permittees. The reasons he assigns are that in Tennessee they have water power capable of developing hundreds of thousands of horsepower, and that by adopting this provision we will establish precedent which might be followed in grants or permits given to water companies in his State. There are other gentlemen who are opposed to this provision upon the same grounds, but do not give the candid reasons in opposing this provision as he has given. As to the other objection he has raised, I believe we should not fear or take into consideration or be controlled by the other body of Congress. It seems to me that the gentleman from Tennessee [Mr. AUSTIN] is alarmed about the fact that the Senate will never agree to this provision. If the House is to be controlled completely by the action of the Senate, then let us disband and go home and permit the Senate to legislate on all important questions. I do not believe, how-

ever, that we should in any way deprive ourselves of the rights and privileges of legislating in this body. I myself am of the opinion that section 6 should remain in the bill, and I believe that any charge that the Government would exact from the companies that are now making millions each and every year would only partially compensate the Federal Government for the millions and millions that it expends upon the improvement of the various rivers in the United States. Section 6 provides:

The Secretary of War, in granting any permit for the diversion of water under this act, shall include therein a provision requiring the payment to the United States of a reasonable annual charge, assessed on the basis of the quantity of water diverted.

In view of the evidence given before our committee, in view of conditions, I believe it will be manifestly unfair and unjustifiable that we should turn over the water to these two companies without any compensation. For that reason I hope that the motion to strike out will not prevail.

Mr. MILLER of Minnesota. Mr. Chairman, I was not surprised at the speech of my splendid friend from Tennessee [Mr. AUSTIN]. He has kept his record clear, and he has kept the faith letter perfect. He has raised his voice, as he always casts his vote, against any kind of a tax. This tax provided for in this paragraph, if a tax is ever advisable on a water-power project, is proper here. First, as to its legality. Gentlemen, I think, are accustomed to confuse the right of the sovereign power of the United States to levy a tax due to its authority and control over, first, the navigability, and, second, the power latent in the moving water of a stream. A State undoubtedly has full authority and power over some features of water power, but it can not dispossess the United States of these two sovereign powers. The United States can or can not at its discretion grant a permit to make use of the water power latent in these moving waters. If it has the power to give the permit for their use, it has the power to prescribe the rules and regulations and conditions that shall surround that use, and one of those rules and regulations is a reasonable tax to be paid to the sovereignty that grants the right. Second, it does not necessarily interfere with the right of the State to tax that property which belongs to the State. This right is not a State right. This property is not a State property. There exists in certain water-power features something of State property and State rights. The State can tax that. That which belongs to the State the State can tax. We have in that respect the same dual sovereignty and the same dual right to tax that we find in a great many other subjects that have relation between the Federal Government and the respective States.

Mr. Chairman, this power to tax by the Federal Government is the one great strong power our Government will have to control and regulate the operation of these power companies. That power to tax is the supreme overwhelming power to regulate and control. It is at the very heart of the merit of the right of sovereignty acting in behalf of the people to regulate and control any interest of the people. It is beyond conception that if a State taxes these water-power companies, as they certainly will, the Secretary of War will not take that into consideration in levying any Federal tax.

If it be admitted, as I think it will be, that there shall be in the United States the right to tax these power companies abroad over the land as water power is developed, then there is no place where it more rightfully belongs than in this place where we find it here. The great power of Niagara is the greatest power God placed on the face of this earth. It belongs to the sovereign people of the United States and is entrusted by them, to be administered in their interest, to the Government of the United States. If we choose to prescribe limits and conditions under which power companies shall operate power plants, then we are but serving our constituents as we ought.

Therefore, Mr. Chairman, I sincerely trust whatever may be the views of some other gentlemen in some other body of this Government, that we adhere to the principle already established and we retain in the bill this paragraph, which enables this House, whether we use it much or whether we use it little, the power of regulating and controlling these great public-service corporations. [Applause.]

Mr. FLOOD. Mr. Chairman, I want to make a motion to fix the time for debate on the section and amendments thereto. I move that all debate on this section and all amendments thereto close in 30 minutes.

Mr. HEFLIN. I want five minutes now.

Mr. KAHN. Mr. Chairman, I have been recognized.

Mr. FLOOD. I will make it 35 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and all amend-

ments thereto close in 35 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Chairman, I believe in that kind of conservation which allows utilization with the maximum efficiency and the minimum waste. I am in favor of the amendment offered by the gentleman from Tennessee [Mr. AUSTIN]. There are a great many power companies already established at Niagara and elsewhere that do not pay anything to the General Government for the power which they obtain. They received their rights long before the question of conservation was discussed by the American people. You put a charge on any new company that is established and the old company can cut the price of its product just to the extent of the burden that the new company has to pay to the Government, and you will bankrupt the new company. [Applause.]

Mr. FLOOD. May I interrupt the gentleman?

Mr. KAHN. No; I have only five minutes.

Mr. FLOOD. But the gentleman has misstated the facts of the bill. This imposes this charge upon all companies who use that water, whether old or new.

Mr. KAHN. I was under the impression, of course, that it imposed a charge on the new companies.

Mr. FLOOD. No; the gentleman is mistaken.

Mr. KAHN. Will the gentleman answer me this question: How under the law can you impose that charge on the companies that are already existing and that have been using the water without any charge whatever?

Mr. FLOOD. The companies that are there had rights which have expired and they have no rights now. Every company has to go in and get rights under this law, and it imposes a charge upon every one of them.

Mr. KAHN. Then, of course, they will all pay for the power, so far as that goes.

Mr. AUSTIN. Will the gentleman yield to me to state this?

Mr. KAHN. Yes.

Mr. AUSTIN. These will be the only power companies in the United States charged this tax. The others on the Mississippi and Coosa Rivers and every other river of the United States escape.

Mr. KAHN. I was just going to call attention—

Mr. FLOOD. Not if the other bills pass the Senate.

Mr. KAHN (continuing). To the fact that this kind of legislation intrinches monopoly. It is in the interest of monopoly, because all over this country there are companies that received their patents or grants long before our so-called conservation policies were adopted. Those companies do not have to pay a cent for the water or the power to anybody. They can undersell the newer companies just to the extent of the amount that the Government charges the newer companies for the use of the water, and they will come pretty near bankrupting the latter concerns. The amount of power that is produced throughout the United States is very extensive. The quantity of power that is produced by old-established companies that do not pay anything to the Federal Government is exceedingly large, and this kind of legislation intrinches those companies in their monopoly. We have gone to the extreme with this conservation business. I believe that there should be regulation, but I do not believe that there should be such regulation or such financial burdens that prevent utilization. [Applause.] I am opposed to such legislation on principle. The business of this country will be materially benefited if we allow the beneficial use or utilization of this water so that the maximum efficiency can be secured with the minimum waste. Mr. Chairman, the development of the West is being seriously impeded by this kind of legislation. I have seen its evil effects in my State and the other States of the Pacific coast. Its entire tendency is to arrest development and to allow great quantities of water to run to the sea without having performed its useful service to man which its conversion into power would have made possible.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEFLIN. Mr. Chairman, the trouble with a great many Members in this House is that when they serve here some length of time they forget all that they ever knew about local self-government and the rights and the powers that belong to the States. They come here and begin to legislate about matters that belong purely and wholly, singly and solely to the legislatures of the various States. And I am astounded as I sit here and see Representatives surrendering rights and powers that they ought to be safeguarding and protecting for their States.

We are to-day undertaking by congressional action to take away from the States a right and a power that nearly every Secretary of War since the foundation of the Government has held belongs to the States. We are undertaking this afternoon

to surrender a right and a power that the Supreme Court has held belongs to the States. Some gentlemen here are wanting the Federal Government now to go into the business of selling water power. The Federal Government has no jurisdiction, as a matter of right, over the sale of this water power developed by private capital in a navigable stream. Its power stops with the control of the stream for navigation purposes. The right to sell water power belongs to the States.

Gentlemen, the people at home must look with utter surprise and be astounded when they see their Representatives here surrendering that which they ought to be safeguarding for the State.

Mr. SABATH. Will the gentleman yield?

Mr. HEFLIN. I have not the time.

I am utterly surprised, Mr. Chairman, that Members will take this course. This question ought not to be considered here. Every government on the earth that has perished went down the road of centralization of power. The surrender of the power of the small units, and the States, to the national power, has been the road down which every government that has fallen has gone. Will we not profit by the mistakes of these governments of the past? Will we not steer clear of the pitfalls into which they stumbled and fell? Let us this day go upon record as preserving, as safeguarding, as holding to the States these rights that belong to them, and not as surrendering these rights. [Applause.]

Mr. BENNET. Will the gentleman yield?

Mr. HEFLIN. I will yield if I have the time.

Mr. BENNET. I just wanted to ask how the gentleman voted on the good-roads bill, the vocational bill, and on the child-labor bill?

Mr. HEFLIN. I think I voted for all of them. But that is a different proposition altogether. No Secretary of War had passed on them.

Mr. BENNET. How did the gentleman vote on the cotton-futures bill a few weeks ago?

Mr. HEFLIN. That is a different question altogether. That is a question of interstate commerce.

Mr. BENNET. That was left to the Secretary of Agriculture.

Mr. HEFLIN. That was a different question altogether, Mr. Chairman. I am surprised that the gentleman from New York wants to surrender the power that that State has and, by right ought to hold, to the Federal Government. I imagine it will be very pleasing to his constituents to know that he is here, instead of safeguarding their rights, smiling while he surrenders them. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I have for many years maintained in this House that Congress, having the right, in its discretion, to grant a franchise permitting the use of the waters of a navigable stream to generate hydroelectric power, can in granting that franchise lawfully impose such terms and conditions as, in its discretion, may seem wise and in the interest of the people. This I have often said here, not as a Republican but as one who believed that the welfare of the people of the United States demands the firm maintenance of that principle.

Now, I ask the attention of my friend the gentleman from Alabama [Mr. HEFLIN] to what a distinguished Democrat said during a debate some years ago on this floor on a bill involving this principle. While the gentleman from Tennessee [Mr. AUSTIN] was speaking a few moments ago I remembered that in that debate a gentleman from Alabama by the name of Richardson maintained, or sought to maintain, the same proposition which his successor from Alabama is now seeking to maintain, namely, that this is purely a local, a State, matter, and that the Government of the United States has no power to require compensation for a privilege of this kind. After Mr. Richardson had finished there arose to answer him—and I remember it well—one of the ablest, most brilliant men I have ever known. I remember, too, that sometimes men used to criticize him merely, as I thought, because he was so gifted; and this reminds me of what Macaulay said in his discussion of Harley and Montague:

It is soothing to envy to believe that what is brilliant can not be strong; that what is clear can not be profound.

Now, Mr. Chairman, I read from the RECORD, page 4065, of March 28, 1908:

"Mr. Chairman, there can be no doubt in the mind of any man seeking merely the public good and public right, independently of any desire for local legislation, of this general proposition, that whenever any sovereignty, State or Federal, is required to issue a charter or a license or a consent, in order to confer powers upon individuals or corporations, it is the duty

of that sovereignty in the interests of the people so to condition the grant of that power as that it shall redound to the interest of all the people, and that utilities of vast value should not be gratuitously granted to individuals or corporations and perpetually alienated from the people or the States or the Government.

"Now, it is admitted—and, of course, I regret very much that in laying down any general law or any rule of conduct I should be compelled to come athwart any desire for legislation in the gentleman's district or anywhere else—but it is admitted that this power to erect dams in navigable streams can not be exercised by anybody except an act of Congress. Now, then, if it can require an act of Congress to permit any man to put a dam in a navigable stream, then two things follow: Congress should so exercise the power in making that grant as, first, to prevent any harm to the navigability of the stream itself, and, secondly, so as to prevent any individual or any private corporation from securing through the act of Congress any uncompensated advantage or private profit."

Who said this? JOHN SHARP WILLIAMS, then the Democratic floor leader. [Applause.] Was he trying dangerously to consolidate power in the National Government though professing only a desire honestly to protect the interests of the people? Did he so mistake his functions as a legislator here as to advocate a principle that tends to crush the liberties of the American people—the constitutional principle that when Congress has the exclusive power to grant a franchise it has the right, in its discretion, to impose conditions and terms? [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LENROOT rose.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. LENROOT. Mr. Chairman, the ease with which the gentleman from Alabama [Mr. HEFLIN] overrules the decisions of the Supreme Court of the United States is only equaled by the ease with which the gentleman from Tennessee [Mr. AUSTIN] misstates those decisions.

Mr. AUSTIN. Well, I challenge that statement.

Mr. LENROOT. I expected the gentleman would, and I say to the gentleman that there is no decision of the Supreme Court of the United States ever rendered that is in the least degree in conflict with the provisions that the gentleman now seeks to strike out of this bill.

Mr. AUSTIN. I will put them in the Record.

Mr. LENROOT. All right. I will be glad if the gentleman will do so. And he spoke of the Senate of the United States. The gentleman may not be aware of the fact that five or six years ago the ablest lawyers then in that body made an investigation of this very legal question and reported that it was entirely competent for the Congress of the United States to make just such a charge as this as a condition of a grant such as is contained here.

Mr. AUSTIN. And did the Senate vote on it?

Mr. LENROOT. I have not the time to go into that. If the gentleman is at all familiar with the decisions of the Supreme Court of the United States he must know that that court has held that the Government itself can construct these dams and that it has the right to sell any power that is generated by these dams; and if that be so, can it be true that it has not the power as a condition of a grant to some one else, to whom it gives the privilege of erecting these dams, instead of doing it itself, to impose as a condition of that grant that it shall pay a charge?

Now, Mr. Chairman, I have taken a somewhat active interest in water-power legislation since it has been before Congress. I have not been of the opinion that in every case a charge should be imposed, but only in those cases where by regulation the public will not get the benefit of the development.

This situation at Niagara Falls furnishes an excellent illustration of a case where a charge ought to be made. One of the users of this power is the American Cyanamid Co., a manufacturer of nitrates and fertilizers. It was testified by the officers of that company that they are now paying for power about one-half of the ordinary charge for power in the United States. It was testified by them that they could make money if they had to pay four or five dollars—I have forgotten the exact figures—per horsepower more than they are paying. That company is a monopoly. How is the public to get any benefit from the use of this water power by that monopoly except through the imposition of a charge?

Mr. SMITH of New York. That company does not get power from any company on the American side.

Mr. LENROOT. That may be. It is an illustration, however, of the point I am making; and whether it be the American Cyanamid Co. or whether it be some other manufacturing com-

pany that gets the power, the illustration holds good just the same. This is a case where the only way that the public can get any benefit is to have the right in the Secretary of War to impose a charge.

The gentleman from California [Mr. KAHN] says that to incorporate this section in the bill will intrench monopoly. I say to him that if you strike out of this bill the provision for a charge, you do intrench monopoly. You give to the manufacturer value which has not been created by him, which belongs to all the people of the United States; and the only way the public can get any benefit from that for themselves is to enable the Secretary of War, as a condition of the permit that is herein provided for, to impose such a charge as will give to the public some benefit of the development of the water power.

Mr. PARKER of New York. Who ultimately will have to pay this charge in the State of New York?

Mr. LENROOT. The American Cyanamid Co. charge all that they can get, short of the point where we would be able to import phosphates and nitrates from Chile. That is the measure of what they are charging the public now; and you might impose \$2 per horsepower per year upon that nitrate company if it got its power upon this side and the public would not pay one penny of that charge. You would simply reduce the dividends that the monopoly is getting, given to it by the people.

Mr. PLATT. If they have a monopoly, why could they not charge what they wanted to?

Mr. PARKER of New York. Does not the gentleman realize that every one of these companies is under the jurisdiction of the public-service commission of the State of New York?

Mr. LENROOT. Let us see. Here is a power company which furnishes power to a monopoly. Suppose you reduce the rate that the power company must charge the monopoly; you simply increase the dividends of the monopoly. How has your public-service commission of New York safeguarded the public interest by simply regulating the rates that a power company shall charge a monopoly? There is one way you can do it—by regulating the price of the product—and you can not do it in any other way except by imposing a charge.

Mr. LA FOLLETTE. Mr. Chairman, I have been greatly interested in this debate. I listened to the gentleman from Minnesota [Mr. MILLER], who claims the proud paternity of this particular section, and I also listened with interest to the gentleman from Tennessee [Mr. AUSTIN], who says that there are some 800,000 horsepower in his State, and he is not going to give up the right of his State to tax that 800,000 horsepower. In the State of Washington, which I have the honor to represent in part, we are credited by the Interior Department with having between 10,000,000 and 11,000,000 horsepower. Hundreds of thousands of this horsepower is in navigable streams. Now, I am willing to grant to the United States the charging of an excise tax on all the horsepower that may be developed in those streams, but I am not willing to grant to the United States that they have any inherent right to tax the water powers generated by the waters of that State. I am willing to concede that in all navigable streams they have control of the water for navigation purposes, but further than that I deny that they have a scintilla of right. I question very much whether they have any right above the Niagara Falls other than the right of saying whether or not the amount of water taken out of the stream would or would not interfere with navigation on the lower river. There has been a case decided in Michigan covering that point. Certain parties built a dam across the upper waters of a navigable stream above the point of navigation. The United States Government attempted to enjoin those parties. The case was carried into the courts, and the courts decided that while it did not interfere with the navigation on the lower river and while navigation was not injured the United States could not interfere. Those people still use the water above the point of navigation.

I claim that above Niagara Falls there is practically no navigation for commercial purposes on the little stretch of river from the lake to the Falls, and I question whether the Government has any right over the water there even for navigation. But when they undertake to interfere by making a charge for the use of the water on the New York side they are infringing on the rights of the State of New York. I think it behooves every man in this House who has a water power on a navigable stream to take issue with the United States having any control over them for any purpose except navigation purposes. [Applause.]

The gentleman from Wisconsin [Mr. LENROOT] said a few moments ago that they—the United States—had a right to put dams across a river. I admit they have, provided they put them there for navigation purposes. But they could be enjoined by a State or any two States in the Union if the stream

went between those States, if they should try to dam a river for any purpose not warranted by the needs of navigation, as the Supreme Court would decide they were exceeding their rights if it was for anything other than the purpose of navigation.

If they should build a dam for that purpose, and there was water power created thereby, I have no doubt the courts would say that they should have the right to charge for the use of that power, in case they wanted to make a charge, but they would have no inherent right under the law and the Constitution of the United States, and would be compelled to use or sell the water in compliance with the law of the State or States where the power was used or sold.

Mr. Chairman, one-third of the area of the State of Washington is in forest reserves, Indian reservations, national parks, and monuments that are barred from taxation at the present time and will be for many years to come. If the United States Government now sets up a claim to the inherent right to charge for the use of water power and to tax the individuals, companies, or corporations developing or using the water powers within the State, or waters contiguous thereto, and their contention should be sustained by the courts, then there is but little left to my State untrammelled by the claims of the Federal Government except the air we breathe.

The courts of both State and Nation have ruled for a century that jurisdiction over the waters of the States for other than navigation purposes was a prerogative of the States, and it has only been within the last decade that anyone has had the temerity to challenge that ruling. But of late years a few questionable reformers, in and out of Congress, have set up their ideas as superior to court rulings, and would take away from the various States of the Union the right to control the waters within their States for all other than navigation purposes and turn that power over to the bureaucratic control of some departments in Washington City.

Mr. Chairman, this bill is turning over to the Secretary of War functions that no stretch of the imagination could possibly say were his constitutional or natural functions. The Secretary is an appointee, liable to frequent change, and this bill is putting into his hands power and authority over things of which he probably will know nothing and making it his duty to perform services that the wildest enthusiast here for bureaucratic control will not expect him to personally perform or have any practical knowledge of. Such a law as this is farcical.

Many of the provisions of the bill are unwise and nonsensical. For instance, each permittee must "actually engage in the business of furnishing light, heat, power, and electric current," making it impossible for a permittee to engage in furnishing all of the energy he generates for one or more of these purposes. What good purpose can be served by such an arbitrary provision?

If the Secretary of War is allowed to fix an arbitrary tax at Niagara, will not the Congress allow him to fix an arbitrary tax at the Great Falls of the Missouri, Mont., or Kettle Falls, Wash? There is no provision of uniformity. It is dependent on the whim or the judgment of an appointee officer, is unwise and unsafe, and is an affront to the States, as it is an injustice. I sincerely hope, if it passes the House in its present form, it will not receive the concurrence of the body at the other end of the Capitol.

Mr. RAINEY. Mr. Chairman, yesterday in this House we considered the naval appropriation bill, and I sat in my seat as the various paragraphs in the bill were read and watched the amendments that were offered. Not a single amendment met with defeat, and every amendment added from \$20,000 to \$5,000,000 or \$6,000,000 to the bill.

OUR INCREASING NATIONAL EXPENDITURES.

One of the papers this morning stated that yesterday we added from the floor amendments amounting to \$15,000,000 to that one bill. The bill as reported is the largest bill ever reported out by the Naval Committee of this House in the history of the Government. The statement astonished me, and I went through the Record and found that the paper that made that statement was in error. We added to this bill yesterday in the House, without a murmur of opposition, over \$20,000,000. [Applause.] We propose to keep up evidently through the remainder of the consideration of the naval bill these amendments, and then add \$150,000,000 in bonds. In other words, when this bill passes this Congress it will carry in charges against the people of the United States twice as much money as any party in this country was ever able to raise by any system of tariffs on imports.

WHAT THE NAVAL BILL ALONE WILL CARRY THIS YEAR.

When that bill passes and becomes a law it will carry almost as much in bonds and in direct appropriations as we collected four or five years ago from all sources for the support of this Government, except the sale of postage stamps, which merely supports the Post Office Department of the Government.

REVENUE POSSIBILITIES OF OUR RIVERS.

We are asked now by certain gentlemen in this House to commence to-day to give away to the rapidly forming Water Power Trust in this country the very last of our national assets—the power of the moving water of our rivers as it flows down over declivities to the sea. We are developing in the country to-day seven or eight million horsepower of hydroelectric energy and a conservative estimate of the possible development within the next few years would be forty or fifty million horsepower.

Not long ago the Geological Survey issued its statement to the effect that it was possible to develop here in the rivers of this country 300,000,000 horsepower. We can develop there at Niagara by a proper conservation—not the method that is adopted now of posing the water—at the Falls and in the gorge below the Falls 7,000,000 horsepower. I do not know what the charge ought to be, but a conservative charge may be ultimately \$1 per horsepower. If we are to enter upon the proposition, which seems to be favored now in so many different directions, of conserving all the water that falls, impounding it and using it for irrigation purposes and then using it as it flows down the rivers to the sea, so that hydroelectric energy can be created, the prospects for the future after the period of this generation assumes enormous proportions. [Applause.]

THE FIGHT FOR CONSERVATION OF WATER POWER IS ALMOST WON.

I have been active for a number of years here in the House of Representatives and elsewhere in the movement to preserve for the National Government the possibility of at some time in the future deriving some suitable revenue for the Government out of the privileges we are asked here to grant to corporations and individuals. I have been active in the fight for a regulation of cost of hydroelectric power to ultimate consumers, and I have contended for an adequate recapture clause in all bills which pass this House, a clause which may enable the National Government to take over at some time in the future—50 years from now perhaps—structures which may be erected in our rivers where power may be developed, subject to a proper recompense to the owners of the dams and of the structures immediately connected therewith. The fight we have been making seems almost won. This bill will pass the House with the compensation clause in it, and with the other clauses also included for which we have been fighting so long. In the face of the growing expenditures of this Government, the effort to give away gratuitously this, the last of our national assets, from my viewpoint is indefensible.

A NATURAL MONOPOLY.

The development of hydroelectric energy is necessarily a natural monopoly. There can never be any competition between power plants, as has been suggested by the gentleman from California [Mr. KAHN]. Places where power can be developed in our rivers are widely separated. In order to properly develop hydroelectric power a number of power possibilities close together ought to be assembled. If there ever was a natural monopoly, the development of hydroelectric power belongs to that class. The cost to the ultimate consumer in the absence of some adequate regulation of price by the States or by the National Government must always be controlled by the competition of steam power developed from coal; but after steam plants are put out of existence by electrical power plants in the absence of proper regulation these power plants will have entire communities at their mercy.

THE DEMANDS OF THE STATES.

The demands of States upon the National Government are increasing. Appropriations from national funds are demanded for building of roads within States, for improvement of rivers and harbors within States, for the elimination of the boll-weevil and the gypsy-moth pests within States, and for a multitude of other things, and yet gentlemen on this floor advocate to-day that we must leave to the States alone the right to collect revenues from power possibilities in our navigable rivers. The effort now on the part of States is to place on the National Government enormous burdens which the States should assume and at the same time deprive the National Government of the right to collect its revenues from such possible sources as we are considering in this bill. This bill ought to pass with this provision for compensation in it. We can not give away to private monopolies this great national asset which belongs to the people of the United States. [Applause.]

Mr. McARTHUR. Mr. Chairman, this section of the bill provides that the Secretary of War may levy a "reasonable annual charge," and for this reason I hope the section will be stricken out. Granting, for the sake of argument, that Congress has the right to authorize the collection of a tax upon the developed water power of navigable streams, what excuse is there for a delegation of this important function to the Secretary of War? Why not settle the matter here and now? We are elected to legislate for the people of the United States, and questions of this character ought to be settled here in Congress—in our committees, which surely have enough brains and patriotism to settle them—without passing them on to the Secretary of War or any other Cabinet official. [Applause.] What is a "reasonable annual charge"? Fifty cents, or \$1, or \$2, or what? Is the Secretary of War any better qualified to determine this question than the committees of Congress? I am not speaking disrespectfully of the present Secretary of War, but am objecting to the growing tendency here in Congress to confer legislative power upon Cabinet officials. From time to time new Secretaries of War will be appointed, and we may get one, perchance, who may be a crank on this or that phase of the water-power question, and who will unjustly raise or lower the charge per horsepower. We have entered upon a mad career of delegating legislative powers to Cabinet officials, who must of necessity depend upon the reports of subordinates, and the whole machinery of the Federal Government is becoming top-heavy with bureaucracy. Congress has come to be a joke in the minds of many people, because we are emasculating ourselves and placing too much power in the hands of bureaucrats.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. McARTHUR. Certainly.

Mr. MADDEN. The gentleman admits that he himself does not know what the charge ought to be?

Mr. McARTHUR. Yes. I admit that, and I do not think the Secretary of War knows, either. I do think, however, that a committee of this Congress is competent to prescribe the rates of taxation—at least maximum and minimum rates—rather than delegate this important power to a Cabinet official who changes every four years, or oftener.

Mr. MADDEN. I think the orderly way to do it is to have some executive officer who has facilities to ascertain its value and fix the price.

Mr. McARTHUR. I do not agree with the gentleman; but my time is limited and I must pass to another phase of this question of taxation of water power. We are setting a bad precedent here by this legislation. Congress will soon be called upon to enact general water-power legislation, and those who favor the Federal tax will point to the Niagara River bill as an example and argue that all water power developed from navigable streams should bear a Federal tax. The unfairness of such a tax becomes apparent when we stop to consider that water power already developed pays no tax at all, while that which is to be developed, under the terms of such measures as may be enacted, must be handicapped by a tax. The products of the old and the new establishments must compete in the open market and the old concerns will enjoy a subsidy equivalent to the amount of the tax on the new industries and will be able to undersell them to that extent. Competition of that character can not continue long, for the concern that bears an unequal burden of taxation will go to the wall. If we are going to tax water power, why not do it in the shape of a revenue bill providing for a tax upon all concerns—those already in operation, as well as new ones that may be built and operated from time to time? In this way, all concerns will be treated alike. On the other hand, if we tax only the new industries, what becomes of our time-honored doctrine of "equal rights to all and special privileges to none"?

Mr. Chairman, I am not prepared to admit that the Federal Government has any legal right to tax water power. The Federal Government enjoys the right to regulate navigable streams for the purposes of navigation, but from what source does it derive its authority to tax the power of falling waters lying within a particular State? I am not discussing the Niagara bill, but have in mind general legislation and the contentions of gentlemen in this House who believe that any water-power bill passed by this Congress should provide for a Federal tax. The right to tax water power, if it is to be taxed, should be with the State, not with the Federal Government. I have argued against taxation in any form, unless water power heretofore developed shall also be taxed, but I realize that there are many who do not agree with me. If, then, for the sake of the argument, we are to levy a tax upon water power, why not leave the question to the States? This Congress has invaded the field of State taxation by levying on inheritances, excess profits, capital stock,

pool halls, billiard tables, motion-picture houses, and scores of other fields that should be left to State and municipal taxation. Now, it is proposed to levy a Federal tax on water power. All of this is invading the field of local taxation to such an extent that the burden of sustaining city, county, and State government is gradually shifting to the man who owns real estate—to the farmer and city property owner. The burden is becoming almost unbearable, so why not allow the States in which water-power projects are located to exercise the taxing function?

Mr. Chairman, the gentleman from Alabama [Mr. HEFLIN] sounded a note of warning about the surrender of power to the Central Government. He holds that such tendencies will destroy local self-government and menace the future welfare of the Republic. The gentleman is quite right, but time will not permit me to dwell longer upon that phase of the question.

Mr. Chairman, gentlemen have indulged in the old talk about "monopoly." It is an old bugaboo. They do not seem to realize that New York State and practically every other progressive State in the Union have public-service commissions that safeguard the people against monopoly and exorbitant prices. The cry of "monopoly" is very much like the cry of "fraud" that we so often hear after election day. [Applause.]

The CHAIRMAN. All debate upon this section and all amendments thereto is exhausted. The question is on the amendment offered by the gentleman from Tennessee [Mr. AUSTIN] to strike out the section.

The question was taken; and on a division (demanded by Mr. AUSTIN and by Mr. HEFLIN) there were—ayes 55, noes 85.

So the amendment was rejected.

The Clerk read as follows:

SEC. 7. That no permittee under this act, nor any distributor of power or energy generated by such permittee, shall unreasonably discriminate in service, charges, or otherwise between those to whom it shall supply power or energy, or who shall apply for same, and all such discrimination shall be unlawful and all contracts therefor, whether heretofore or hereafter made, are declared to be violative of public policy and void.

Mr. HUDDLESTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After section 7 insert as a new section:

SEC. 8. That each approval under this act shall be conditioned upon the acceptance by the grantee of all the terms and conditions of this act and of terms and conditions specified in the approval, which acceptance shall be expressed in the approval as a part of the contract entered into.

Mr. FLOOD. Mr. Chairman, I reserve a point of order against the amendment. That is not an amendment to this section and it is not in order just now.

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. HUDDLESTON. Mr. Chairman, this amendment is copied word for word from the Adamson bill, and it seems to me to be a very important amendment. It is not phrased in exactly the language I would have used, but I copied it literally, word for word, from the Adamson bill, and it seems to me that we ought to adopt it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the Chairman announced the yeas seemed to have it.

On a division (demanded by Mr. HUDDLESTON) there were—ayes 28, noes 83.

So the amendment was rejected.

Mr. CLINE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend, by inserting after section 7, which ends with line 2, on page 11, the following:

SEC. 8. That at any time after the expiration of any permit made hereunder, upon six months' notice of intention to do so, given either before or after the expiration of the permit, the United States, or any person authorized by Congress, may take over such works used by the permittee for the generation and transmission of electrical energy which are dependent for their usefulness on the continuance of such permit: *Provided*, That by 'transmission' there shall be understood the wires, conduits, poles, or other devices used to convey electrical energy to the point of its application; but that nothing herein contained shall obligate the United States to purchase any property beyond such generating plant and transmission lines: *Provided further*, That the United States may also purchase, at its discretion, such lands and other property of any permittee acting under the terms of this act as in the judgment of Congress may be deemed advisable upon condition that it shall pay before taking possession, first, the reasonable value, not exceeding the actual costs of the works, constructed under the approval of plans and specifications, rights of way, water rights, lands, and interests therein purchased or taken over by it; and, second, the reasonable value of all other property taken over, including structures and fixtures acquired, erected, or placed upon the lands and included in the generation or transmission plant and which are dependent as herein above set forth, such reasonable value to be determined by mutual agreement between the Secretary of War and the permittee or owners of such property; and in case they can not agree, by proceedings instituted for that purpose in the

United States district court for the district in which said property or some part thereof is situated, but in no case shall the amount exceed the actual cost: *Provided*, That such reasonable value shall not include or be affected by the value of the franchise or good will or profits to be earned on pending contracts or any other intangible elements.

"That in the event the United States does not exercise its right to take over, maintain, and operate the properties as provided in this section, the Secretary of War may renew the approval of plans and specifications, either original or modified, upon such terms and conditions and for such periods as may be authorized under the applicable laws that may be in force at that time, or the Secretary of War is authorized, upon the expiration of any permit under this act, to approve terms and conditions under which a new permittee may operate such properties for such periods as applicable laws may then authorize upon the further conditions that the new permittee shall pay the original permittee for the properties as provided in this section."

"That where, in the judgment of the Secretary of War, the public interests requires or justifies the execution by any permittee of contracts for the sale and delivery of water power or electrical energy for periods extending beyond the life of the permit, but for not more than 20 years thereafter, such contracts may be entered into upon the approval of the said Secretary, and thereafter, in the event of the exercise by the United States of the option to take over the plant in the manner provided in this section, the United States or its new permittee shall assume and fulfill all such contracts."

During the reading of the above amendment,

Mr. FLOOD. Mr. Chairman, the three sections which constitute this amendment have been read to the committee in the amendment which the gentleman from Indiana offered before.

The CHAIRMAN. Has the gentleman any request to make?

Mr. FLOOD. I ask unanimous consent that the further reading be dispensed with now.

The CHAIRMAN. Is there objection?

Mr. MANN. What is it; to adopt an amendment without reading it?

Mr. FLOOD. It has been read.

Mr. MANN. Not to Members now present.

Mr. FLOOD. Well, if there is any objection that settles it.

Mr. MANN. I think it better be read.

The Clerk concluded the reading of the amendment.

Mr. CLINE. Mr. Chairman, this is taken word for word from the Adamson recapture clause, and contains no other verbiage of the bill which I included in the amendment when I offered it before.

Mr. SMITH of Minnesota. Mr. Chairman, I notice there are eight sections in the amendment which the gentleman offers.

Mr. CLINE. No; sections 5, 6, and 7.

Mr. SMITH of Minnesota. How much of the confidential print have you incorporated in the present amendment?

Mr. CLINE. Sections 5, 6, and 7 in the amendment.

Mr. SMITH of Minnesota. The confidential print commences with section 4.

Mr. CLINE. That included, as I stated before, what we wanted to incorporate in the bill so the Government could either take the plants over or could revoke the permit and compel the permittee to remove the property they had.

Mr. SMITH of Minnesota. And the gentleman eliminates that?

Mr. CLINE. I have eliminated that, and simply include the recapture language of the Adamson bill.

Mr. SMITH of Minnesota. This commences with section 5 of the confidential bill.

Mr. CLINE. Five, 6, and 7. The gentleman from Wisconsin can advise the gentleman.

Mr. SMITH of Minnesota. Is it the gentleman's intention to complete this bill to-night?

Mr. CLINE. Yes; we wish to do that, if we can get it to a vote. [Cries of "Vote!"]

Mr. NORTON. Mr. Chairman, I trust that this amendment may be added to this bill. I believe that the next few years will show economic and social changes in this Nation that will warrant the adoption of this amendment. Recently the three greatest electricians of the world have predicted that within the next decade an increased use of electrical power will take place such as the ordinary mind can not even imagine to-day. This is preeminently the age of electricity. Electrical power has come to be the greatest power in the world within a very few years. This great hydroelectric power at Niagara Falls, in my judgment, under the disgraceful greed that has been shown is practiced by the hydroelectric companies who have already been given permits to all this water power, and in simple fairness to the interest of the people who consume the power should be taken over now and operated by the Government. I am confident that within 10 years the great majority of the people of this country will demand and insist upon the ownership and operation of such great hydroelectric powers as this by the Federal Government. This water power is a natural monopoly, and the interests of the public will be abused as long as it is permitted to be operated for private gain.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. CLINE].

The question was taken and the amendment was agreed to. The Clerk concluded the reading of the bill.

Mr. McARTHUR. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20047) for the control and regulation of the waters of Niagara River above the Falls, and for other purposes, and had directed him to report the same to the House with sundry amendments, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. FLOOD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman moves the previous question on the bill and amendments to final passage.

Mr. SMITH of Minnesota. Mr. Speaker, I want to inquire whether it is the intention to have a vote to-night?

Mr. MANN. I will say there is not. The gentleman need not inquire over there. I know how to stop it.

The SPEAKER. The question is on the motion for the previous question.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] The Chair hears no request.

The question is on agreeing to the amendment.

Mr. HUDDLESTON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUDDLESTON. I wish to offer a motion to recommit. The SPEAKER. That can be offered after the third reading of the bill.

Mr. MANN. Mr. Speaker, I ask for a minute. It is the intention of some of the gentlemen to offer a motion to recommit and to insist upon a roll call, either through a point of no quorum or otherwise, as I understand. Unless we can get unanimous consent after the third reading is ordered I shall demand the reading of the engrossed bill, which will put it over until to-morrow, anyway.

The SPEAKER. Get unanimous consent for what?

Mr. MANN. To postpone the vote until to-morrow, after the vote is taken ordering it to a third reading.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. MANN. Before the third reading, I ask unanimous consent that the further consideration of the bill be postponed, to come up immediately after the reading of the Journal to-morrow.

The SPEAKER. That does not vitiate the rights of the gentleman from Alabama [Mr. HUDDLESTON] at all.

Mr. MANN. No; that protects his rights.

The SPEAKER. The gentleman from Illinois asks unanimous consent that further proceeding on this bill be postponed until to-morrow after the reading of the Journal and the clearing of matters on the Speaker's table.

Mr. HUDDLESTON. I object, Mr. Speaker.

Mr. MANN. Then I demand the reading of the engrossed bill. To do it by unanimous consent protects in every way the gentleman's rights. He can offer his motion to recommit to-morrow.

Mr. HUDDLESTON. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection to this bill going over for the third reading to-morrow. [After a pause.] The Chair hears none.

ELIZA McCLOSKEY (H. REPT. 1440).

Mr. LLOYD. Mr. Speaker, I present the following resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Missouri presents a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 485.

Resolved, That the Clerk of the House be, and he is hereby, directed to pay, out of the contingent fund of the House, to Eliza McCloskey, widow of Patrick McCloskey, late the janitor of the Committee on Elections No. 2, a sum equal to six months of his compensation as such

janitor and an additional amount, not exceeding \$250, to defray the funeral expenses of said Patrick McCloskey.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

SPEAKER PRO TEMPORE FOR TO-NIGHT.

The SPEAKER. The Chair appoints the gentleman from Virginia [Mr. SAUNDERS] to preside to-night.

MESSAGE FROM THE PRESIDENT—COMMISSION ON NAVY YARDS AND NAVAL STATIONS.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, Report No. 2 of the Commission on Navy Yards and Naval Stations.

The attention of Congress is especially called to the request and recommendation that certain portions of the report and appendices should not be made public.

WOODROW WILSON.

THE WHITE HOUSE, February 7, 1917.

The SPEAKER. The Chair will state that those portions that the President mentions in there have already been subtracted and handed to the Navy Department, and the Chair therefore refers the message to the Committee on Naval Affairs with orders that it be printed.

EXTENSION OF REMARKS.

Mr. SHALLENBERGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article on the unanimous adoption by the Legislature of Nebraska of a resolution indorsing the President's action.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Mr. EMERSON. Mr. Speaker, I ask the same privilege.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

HEIRS AT LAW OF THOMAS TUMLIN.

Mr. BURNETT. Mr. Speaker, the bill H. R. 18565 is a bill that ought to be on the Private Calendar instead of the Union Calendar.

The SPEAKER. What is it?

Mr. BURNETT. It refers to the sale of certain land in Alabama to the heirs at law of Thomas Tumlin, deceased. It is a private bill. I ask that it be placed on the Private Calendar.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SABATH. Mr. Speaker, I ask the same privilege.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. BURNETT. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Alabama makes the same request. Is there objection?

There was no objection.

HOOR OF MEETING TO-MORROW—11 O'CLOCK A. M.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

There was no objection.

RECESS.

Mr. KITCHIN. I ask unanimous consent, Mr. Speaker, to take a recess until 8 o'clock this evening.

The SPEAKER. The gentleman from North Carolina asks that the House stand in recess until 8 o'clock under the special order. Is there objection?

There was no objection; accordingly (at 6 o'clock and 25 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session, and was called to order by Mr. SAUNDERS as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will report the first bill on the Private Calendar.

Mr. MILLER of Delaware. I ask unanimous consent that we begin the Private Calendar at No. 443. That and the succeeding bills have been on the calendar since the beginning of this session of Congress, and after examining the calendar it appears that if we get through with them we will then be able to go back and start over again. The bills preceding No. 443 have been on the calendar before and have been objected to on previous occasions.

The SPEAKER pro tempore. The gentleman from Delaware asks unanimous consent to begin the calling of the calendar at the point indicated.

Mr. MOORE of Pennsylvania. What number?

The SPEAKER pro tempore. No. 443.

Mr. MOORE of Pennsylvania. The Private Calendar?

The SPEAKER pro tempore. Yes.

Mr. SMITH of Idaho. Reserving the right to object, it seems to me this is hardly fair to those who have had bills pending on the calendar for the last four or five or six months.

Mr. MILLER of Delaware. Will the gentleman yield right there? I only do this after consulting Members on both sides. The bills that the gentleman from Idaho refers to have already been called and objected to more than once. I think it is only fair to take up the new work more recently reported.

Mr. SMITH of Idaho. I do not think it is true that all the bills preceding the number to which the gentleman refers have been objected to, and it seems to me that if we start at the beginning of the calendar those which are not objected to can soon be disposed of. We should not overlook meritorious bills that have been on the calendar for four or five or six months to take up those more recently reported.

Mr. MILLER of Delaware. Nobody is more anxious than I am to have these bills considered, but the later bills on the calendar are new ones, and if we get through with them to-night we will possibly have another session for the consideration of the Private Calendar before we adjourn. I hope the gentleman will not object.

Mr. SMITH of Idaho. If you will take up Private Calendar No. 352 and consider it, I will not object; but I certainly do not think it is fair to those who have had bills on the calendar for a long time, and who have been waiting patiently for them to be reached, to begin at the point indicated by the gentleman.

Mr. MILLER of Delaware. If the gentleman wants to couple with my request a request that we take up No. 352, I have no objection.

Mr. STAFFORD. Mr. Speaker, I will not permit any favoritism to be played here this evening.

Mr. SMITH of Idaho. I do not think there is anyone else here who will object to my bill being considered.

Mr. STAFFORD. Others will come in later and will desire the same thing.

Mr. MILLER of Delaware. That is a Senate bill, and it will undoubtedly have a chance to pass before the session adjourns.

Mr. SMITH of Idaho. Before this evening's session adjourns?

Mr. MILLER of Delaware. Yes.

Mr. SMITH of Idaho. There are a good many bills on the calendar following the number which the gentleman has mentioned, but I will not object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware [Mr. MILLER] to begin the calling of the Private Calendar at No. 443?

There was no objection.

HENRY P. GRANT.

The Clerk read the title of the bill (H. R. 16827; Private Calendar No. 443) for the relief of Henry P. Grant, of Phillips County, Ark.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. MANN. I ask unanimous consent that the Clerk report the committee amendment, which is a substitute, in order to save time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois that the Clerk report the committee amendment?

There was no objection.

The Clerk read the committee amendment, as follows:

Strike out all after the enacting clause and insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$7,598.24 to Henry P. Grant, formerly postmaster of Helena, Ark., said sum being the amount he voluntarily paid into the Treasury to make good the shortage of the assistant postmaster, William B. Lindsey, who was duly tried and convicted of said crime and punished by imprisonment in the penitentiary for a term of four years.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Mississippi [Mr. STEPHENS] that he ask unanimous consent that these bills be considered in the House as in Committee of the Whole.

Mr. STEPHENS of Mississippi. I submit that request. I intended to make it before, but was diverted by the request of the gentleman from Delaware [Mr. MILLER].

The SPEAKER pro tempore. The gentleman asks unanimous consent that these bills be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6732. An act for the relief of Joseph A. Jennings;

H. R. 11685. An act for the relief of Ivy L. Merrill;

H. R. 11288. An act for the relief of S. S. Yoder;

H. R. 7763. An act for the relief of Stephen J. Simpson;

H. R. 1609. An act for the relief of S. L. Burgard;

H. R. 11150. An act for the relief of mail contractors.

The Speaker announced his signature to enrolled bills of the following titles:

S. 7779. An act to authorize the change of name of the steamer *Frank H. Peavey* to *William A. Reiss*;

S. 7780. An act to authorize the change of name of the steamer *Frank T. Heffelfinger* to *Clemens A. Reiss*;

S. 5082. An act adding certain lands to the Missoula National Forest, Mont.;

S. 7782. An act to authorize the change of name of the steamer *Frederick B. Wells* to *Otto M. Reiss*; and

S. 7781. An act to authorize the change of name of the steamer *George W. Peavey* to *Richard J. Reiss*.

STEAMSHIP ESPARTA.

The next business on the Private Calendar was the bill (S. 3681) for the relief of the owners of the steamship *Esparta*. The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I ask to have the bill reported.

The Clerk read as follows:

Be it enacted, etc., That the claim of the owners of the British steamship *Esparta* against the United States for damages sustained by them in and on account of the collision between their said vessel and the United States lighthouse tender *Magnolia* on October 26, 1905, in the Passes of the Mississippi River, below New Orleans, be referred to the District Court of the United States for the Eastern District of Louisiana, with jurisdiction and authority to determine the liability of the United States therefor, and, if found liable, to render judgment against the United States for any damages sustained by the owners of said steamship *Esparta*.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time and passed.

ALEXANDER F. M'COLLAM.

The next business on the Private Calendar was the bill (H. R. 17781) for the relief of Alexander F. McCollam.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

ABSALOM C. PHILLIPS.

The next business on the Private Calendar was the bill (H. R. 7487) for the relief of Absalom C. Phillips.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. TILLMAN. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. MANN. Certainly.

Mr. TILLMAN. Mr. Speaker, this is a very modest bill, and from the proof that I have in my possession there is no question about the equitable right of this man to recover. The bill is for only \$447.16, and the Committee on War Claims, after hearing the proof, reported unanimously in favor of the bill. Mr. Phillips is a Union soldier, living in Newton County, in my district. He is a Methodist clergyman, a poor man, but a man of excellent influence and high character. He was appointed or elected second lieutenant of his company on September 9, 1863, and at once began serving as second lieutenant, and went abroad to recruit the company, Company E, Second Regiment Arkansas Volunteer Infantry, of which he was elected or appointed second lieutenant. He served in that capacity from that time on until the close of the war, and was a brave and able officer. He did not get his commission as second lieutenant until February 24, 1864. This bill is merely to pay him the difference between the salary of a second lieutenant and that of a first sergeant during these months when he was actually serving as second lieutenant, but during which time he did not have his commission.

Mr. MANN. And under the law he could not have a commission. There are probably thousands of these claims. There have been a great many before Congress which have not been paid.

Under the law a man could not get a commission unless the company was recruited to a certain strength. I do not think we ought to open up these claims now and commence to pay them after all these years. There are many, many of them.

Mr. TILLMAN. The Supreme Court has held that if a man is appointed to a position and performs the work that falls to him under that appointment, the fact that he did not get a written commission does not preclude him from collecting the salary due him under the appointment.

Mr. MANN. The law expressly provided that he could not have a commission or the pay.

Mr. TILLMAN. I do not understand it that way.

Mr. MANN. That is undoubtedly the case. I have had these cases many times.

Mr. TILLMAN. Here is a man who actually performed this service, and he certainly is not to blame if he did not get his commission. He performed the service, recruiting his company, wore the uniform of a second lieutenant, many times served as captain in the absence of his superior officer, and is not responsible for his failure to get his commission until some months after his promotion.

Mr. MANN. No; but the law is responsible. The law did not permit the commission to be granted to him until the company was recruited to a certain strength. There are many of those cases. The law specifically provided that they could not commission the new officers unless the companies were at a minimum strength. His company was not. He could not be granted a commission until his company was recruited to the minimum strength.

Mr. TILLMAN. He certainly is entitled to this relief, which is both just and equitable. I ask to be allowed to challenge and refute the facts as understood by the gentleman from Illinois.

Mr. MANN. I think he was in luck to get the commission in the end.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

REIMBURSEMENT OF ROBERT REID AND CHARLES C. ECKLIFF.

The next business in order on the Private Calendar was the bill (H. R. 18421) to reimburse Robert Reid and Charles C. Eckliff, United States local inspectors of steamboats, for defending themselves on account of their arrest and prosecution growing out of the steamer *Eastland* disaster on the Chicago River July 24, 1915.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. MAPES. Mr. Speaker, will the gentleman withhold his objection for a moment.

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. MAPES. Mr. Speaker, I appreciate the fact that the gentleman from Illinois [Mr. MANN] is probably familiar with the *Eastland* disaster as it occurred on the Chicago River, although I would like to direct his attention to certain features in connection with this bill.

Mr. MANN. I have read all the reports and all the opinions in the case very carefully, I will say to the gentleman, and I do not think it is a debt of the Government.

Mr. MAPES. Mr. Speaker, I do not say that it is a legal debt, but it is a meritorious and equitable bill. I will say to the

gentleman I have investigated the precedents, and I find precedents similar to this. For example, in Thirty-fifth United States Statutes, page 1525, is an act for the relief of S. R. Hurley passed in the Sixtieth Congress. Mr. Hurley was a member of a posse of men who in July, 1905, under the direction of a deputy collector of internal revenue, were engaged in discovering illicit stills in the mountains in the vicinity of Jean, on the line between Kentucky and Virginia. The operators of the stills opened fire on the officers, which was returned, and two of the illicit distillers were killed. Hurley and five others of the posse were indicted by the State of Kentucky, and of course had to make a defense.

The indictment was prosecuted at the instigation of the distillers, who were determined that the men be convicted if possible, but they were acquitted. A bill was introduced to reimburse Hurley for his expenses in carrying on his defense. Congress, after submitting the matter to the then Secretary of the Treasury, Mr. Cortelyou, and to the then Attorney General, Mr. Bonaparte, passed the bill. Both the Secretary of the Treasury and the Attorney General recommended the passage of the bill. The Attorney General said, among other things, in his letter recommending its passage:

Hurley appears from these papers to have been put to considerable expense in and about his defense to a criminal prosecution and a civil suit based upon the foregoing facts. This department thinks it advisable, as a matter of public policy, as well as of justice, for the Government to protect officers who have faithfully performed a dangerous public duty and by reason thereof have become involved in expensive litigation.

Now, as the gentleman from Illinois says he has read the report of the committee, which goes into this matter very fully, he will notice that these men went from Grand Haven, Mich., voluntarily to Chicago at the request of their superior officer, the Secretary of Commerce, Mr. Redfield. They testified voluntarily in the hearing which was conducted there, even after they were unjustly arrested by the State authorities of Illinois, handcuffed, and marched through the streets of Chicago. Afterwards they were released upon a writ of habeas corpus, the grand jury of the State of Illinois returning no indictment against them, but they were indicted by the Federal grand jury twice and were put to a great deal of expense. The Federal district judge in the city of Grand Rapids, for the western district of Michigan, after a full hearing, held there was no evidence that tended to show that they were guilty of any of the charges in the indictment. To use his language:

The evidence in this matter wholly fails to establish probable cause for believing any of these defendants guilty of any crime charged in the indictments.

These expenses were incurred by them in the performance of their duty as officers of the Federal Government. I have other precedents here which I would be glad to call to the attention of the gentleman from Illinois [Mr. MANN] if it would cause him to withdraw his objection to the consideration of this bill.

Mr. MANN. I will say to the gentleman, I think I am familiar with the greater portion of the precedents but I will be very glad to examine the rest of them. I have a great deal of sympathy for these inspectors and did not join in the feeling against them, but I do not think we are under any obligation to pay these legal expenses. I think they got off pretty well. I would be very thankful if I had been in their place to get off as well.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I will examine the rest of the precedents.

Mr. MAPES. I think the gentleman from Illinois must take the finding of the court as conclusive that there was no reasonable cause for the indictment against these inspectors.

Mr. MANN. I would think more of them if they had submitted to trial, I will say to the gentleman.

Mr. MAPES. But they would have had a great deal more expense if they had been required to go to Chicago to defend themselves, and they were strictly within their rights in resisting the warrant for their removal to Chicago.

Mr. MANN. Very likely.

Mr. MAPES. I would like to read for the benefit of the gentleman and the House a part of the opinion of the court—

Mr. MANN. I have read the opinion of the court. The gentleman can read that for somebody else's benefit, not mine. I have read it.

Mr. MAPES. Perhaps this particular part may have escaped the attention of the gentleman:

Aside from the fact that the vessel capsized and the testimony of one witness whose theories are shown to be incorrect by actual experience and indisputable facts, there is no satisfactory evidence to sustain these allegations of the indictment. Every other witness competent to testify upon the subject has said that the ship, if properly handled and navigated, was seaworthy and was capable of carrying in safety the number of people on board of her at the time of the accident. She was not in a leaky condition and was not lacking in necessary and proper

equipment. She was constructed with water-ballast tanks, and if a sufficient number of the tanks had been filled with permanent water ballast she would not have been top-heavy with any load which she was authorized to carry.

Mr. MANN. Let me say to the gentleman that there are many people in Chicago who believe that the General Government ought to recompense the families of those who lost their lives, as they think, because of the negligence of these two inspectors. I do not agree with that. I do not think the Government is responsible. I have said that to these people, who have some sort of a union or organization in order to try to get the General Government to pay because of the negligence of these inspectors. I do not think we are responsible. I do not think we are responsible for the inspectors getting off scot free. I have some doubt as to whether they are guilty or not guilty.

Mr. MAPES. These inspectors were officers of the Government and were performing a public duty.

Mr. MANN. They were officers of the Government charged with the performance of a public duty. Some people do not think they performed it. I do not think that has anything to do with this question.

Mr. MAPES. The gentleman reiterates that so much, I am afraid he has imbibed some of the prejudice against these inspectors which the other people of Chicago have to which he calls attention.

Mr. MANN. I do not see how we can recompense these inspectors unless we recompense probably the families of the people who lost their lives. There were a great many of them.

Mr. MAPES. I submit that the cases are very much different. The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

J. L. BONNER.

The next business in order on the Private Calendar was the bill (H. R. 16407) for the relief of J. L. Bonner.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was read, as follows:

A bill (H. R. 16407) for the relief of J. L. Bonner.

Be it enacted, etc., That the title of J. L. Bonner, in and to the northwest quarter of the southeast quarter of section 30, township 10 north of range 10 west, St. Stephens survey, Jones County, Miss., be, and the same is hereby, quieted and confirmed, and patent therefor shall issue to the said J. L. Bonner.

Also the following committee amendments were read:

Strike out the words "title of," in line 3, and insert the words "Secretary of the Interior be, and he hereby is, authorized and directed to issue patent to."

In line 4, strike out the comma, after the word "Bonner," and the words "in and to" and insert the word "for."

In line 9, strike out the period, after the word "Bonner," and insert a comma, and insert the words "upon his paying to the Government the sum of \$1.25 per acre."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

RIVERSIDE MILITARY ACADEMY.

The next business in order on the Private Calendar was the bill (H. R. 16855) for the relief of Riverside Military Academy.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was read as follows:

A bill (H. R. 16855) for the relief of Riverside Military Academy.

Be it enacted, etc., That Riverside Military Academy and its bondsmen be relieved of all responsibility on bond given to the United States by the Riverside Military Academy for the loss of two cutters and their outfits, valued at \$1,608.77, which property was destroyed by a storm on the night of December 31, 1915.

Also the following committee amendment was read:

Line 3, after the word "Academy," insert the words "at Gainesville, Ga."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

GEORGE L. THOMAS.

The next business on the Private Calendar was the bill (H. R. 4417) for the relief of George L. Thomas.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MILLER of Delaware. Mr. Speaker, a bill similar to this in every respect passed the Senate last night and is now on

the Speaker's table—S. 2749. I ask unanimous consent that the Senate bill be substituted in lieu of the House bill on the calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Speaker, let us hear the bill read first.

Mr. MILLER of Delaware. I just sent the Senate bill to the desk.

The SPEAKER pro tempore. The Clerk says it is not here.

Mr. MILLER of Delaware. I took pains to look it up, and saw it there this morning.

The SPEAKER pro tempore. What is the number of the Senate bill?

Mr. MILLER of Delaware. It is S. 2749.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 2749) for the relief of George L. Thomas.

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of George L. Thomas, postmaster at New Bethlehem, Pa., in the sum of \$5,711.93, and to certify the said credit to the Auditor for the Post Office Department, being the amount of money-order funds embezzled by Ella E. Latimer, an employee in said post office, without fault or negligence on the part of the said George L. Thomas.

Mr. FOSTER. Mr. Speaker, may I inquire why the—

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to have a little information on this bill. I would like to know what it is about.

Mr. EDMONDS. The Thomas bill?

Mr. SABATH. Yes; the bill that was read just now.

Mr. EDMONDS. Mr. Thomas was postmaster at New Bethlehem, Pa. During his postmastership or during the preceding postmastership the young lady who had charge of the money-order fund embezzled this amount of money.

Mr. SABATH. Was not he or she under a bond?

Mr. EDMONDS. She was under a bond.

Mr. SABATH. Well, what became of the bondsmen?

Mr. EDMONDS. The bond was not sufficient to cover the amount she embezzled.

The Secretary of the Treasury says:

There is no evidence in the Auditor's office tending to show that Postmaster Thomas did not exercise proper supervision over the affairs of his office. I believe, therefore, that the bill is meritorious, and I recommend that it be given favorable consideration.

Mr. SABATH. What was the total amount of the embezzlement?

Mr. EDMONDS. Six thousand one hundred and eighteen dollars and eighty cents.

Mr. SABATH. What was the amount of the bond?

Mr. EDMONDS. Evidently about \$500. I suppose it was that. This Miss Latimer was indicted and was sentenced to jail for 30 days and required to pay a fine of \$6,118.80, which she did not do. She made false entries in the cash book.

Mr. SABATH. How large a city was this?

Mr. EDMONDS. I do not know.

Mr. SABATH. That is a rather small bond for a postmaster.

Mr. MANN. That was not the postmaster's bond.

Mr. SABATH. Whoever the clerk was who handled the funds, the bond should have been sufficient. I would like to know if the money was recovered from the bondsmen.

Mr. FOSTER. No.

Mr. SABATH. If there is a defalcation and people come down here for relief, and if bond is given, it ought to be enforced and paid.

Mr. EDMONDS. Miss Latimer's sureties have since refunded \$375.

Mr. HASTINGS. Did the Post Office Department recommend it?

Mr. EDMONDS. Yes.

Mr. MANN. I understand a suit is pending to recover this amount from the bondsmen. The Post Office Department says, however, that there was no fault on the part of the postmaster. The money was embezzled by a classified clerk of the civil service, employed under the bond fixed by the Post Office Department, without the fault of the postmaster. At least, that is what the inspector reports. Of course, the postmaster's bondsmen are liable.

Mr. SABATH. I do not like to impose hardships upon innocent people, but a great many bonds are given, and when there is a default some of these companies that advertise that they pay their obligations do not meet their obligations. I would like to know whether this surety company has paid its obligation and paid the bond?

Mr. MANN. Well, there is a suit pending against the postmaster or his bondsmen to recover this amount, and I am told

that the postmaster will have to pay it if we do not relieve him, not the surety company. This case is a good deal similar to the Chicago case that we had a few years ago, that we passed, relieving the Chicago postmaster of \$173,000.

Mr. SABATH. I know; and we have relieved the surety companies of that obligation.

Mr. COX. I agree with the gentleman that he is striking at a very vital point. The Post Office Committee has done its best in the last four or five years to get rid of this very evil by a law whereby the bonding company will be taken out of this and a fund contributed by the employees themselves.

Mr. SABATH. I say that there are some companies that pay their obligations. I wanted to know if others do or not.

Mr. HASTINGS. Do I understand the gentleman from Pennsylvania [Mr. EDMONDS] to say that this clerk who embezzled the money was tried and given only 30 days?

Mr. EDMONDS. That is what the report says. She was sent to the Armstrong County jail for 30 days and sentenced to pay a fine of \$6,118. Since then \$375 has been refunded. That was in the Federal court.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A House bill of similar tenor (H. R. 4417) was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ROBERT HILDEBRAND.

The next business on the Private Calendar was the bill (H. R. 8950) for the relief of Robert Hildebrand.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

W. L. ROSE.

The next business on the Private Calendar was the bill (H. R. 17304) for the relief of W. L. Rose.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

Mr. EDMONDS. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. MANN. Yes.

Mr. EDMONDS. I would like to call attention to the fact that while our committee has not brought out these claims for lost clothing as a general thing, in this case every man on this boat was reimbursed except this man, W. L. Rose, and it seemed only just and fair to the committee that we should reimburse him in common with the rest of them.

Mr. MANN. Well, Mr. Speaker, there are a great many bills of this character on the calendar, and more constantly coming, on the assumption that the United States insures the clothing and personal effects of officers and employees of the Government who go upon the sea. I do not think we do insure them. Nobody thinks we insure them if they get hurt on the railroad. We have not got to that point yet, but soon will, if we go on the assumption that we insure their personal effects when they go upon the sea. They can insure them themselves, if they want to, or, if not, they can do without the insurance.

Mr. EDMONDS. I call the attention of the gentleman to the fact that when there is a loss of clothing or personal effects by anybody connected with the Navy, the Navy Department pays for it, and there is a fund intended for their relief in this respect.

Mr. MANN. I know we have started to do that, much to my regret and against my will. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

ISABEL E. ROCKWELL.

The next business on the Private Calendar was the bill (H. R. 6207) for the relief of Isabel E. Rockwell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Isabel E. Rockwell, widow of John V. Rockwell, deceased, late rural mail carrier on route No. 1, of Carpinteria, Cal., the sum of \$1,500.

With the following committee amendment:

Page 1, line 8, strike out "\$1,500" and insert "\$990."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

EUGENE FAZZI.

The next business on the Private Calendar was the bill (H. R. 17406) for the relief of Eugene Fazzi.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Eugene Fazzi the sum of \$5,000 as compensation for the loss of a foot on March 8, 1916, while in the discharge of his duty as a deckhand on the steamship *General Joseph E. Johnston*, in the service of the Quartermaster's Department, United States Army.

With the following committee amendment:

Page 1, line 6, strike out "\$5,000" and insert "\$720."

The SPEAKER pro tempore. The question is on the committee amendment.

Mr. BROWNING. Mr. Speaker, I hope this committee amendment will not pass. Eugene Fazzi was a young man, I should say, about 25 or 26 years of age. While employed on the steamer *General Joseph E. Johnston*, in the service of the Quartermaster's Department of the Army, on a slippery day last March his leg was caught in a rope with which they were trying to fasten the boat to the wharf. His leg was severed above the knee and fell into the Hudson River. Since that time he has been unable to obtain any employment whatever. He has never received anything from the Government except an artificial leg that he can not use as yet. We hope he will be able to use it later. He has made application for employment in a number of positions but has failed to receive any. He is a machinist, and on account of the loss of his leg, and the liability under the workmen's compensation laws, they will not accept him for employment. I endeavored to get him a position as a telephone operator in the Government service. He was refused. I asked the Civil Service Commission to suspend the civil-service rules so that he could get such a position, and they refused. I think that to give a young man in his twenties, crippled for life, only \$720 for the loss of a leg is an outrage, and I think the amount for which I introduced this bill, \$5,000, is a very small amount. I hope the committee amendment will not be agreed to.

Mr. OVERMYER. Will the gentleman advise us how long this man was in the service?

Mr. BROWNING. I do not know, and it does not make any difference. If he was there only one day, he was in the discharge of his duty, the same as a man going to war and getting killed or wounded. He never told me how long he was in the service.

Mr. COX. How much would he get under the Federal employees' liability act?

Mr. BROWNING. I have not the least idea. Under the old act he is not able to get anything.

Mr. COX. I do not think it would apply to him.

Mr. BROWNING. I do not think so, either.

Mr. COX. I am just wondering whether he would get more under the Federal employees' liability act than he would under the amendment set out in this bill.

Mr. BROWNING. I should think he would. I do not think \$720 for a young man who is crippled for life and unable to get a position is any kind of compensation when his injury was received through no fault of his own.

Mr. STEPHENS of Mississippi. Under the law this man would not receive anything; and the committee in acting on this case followed the policy that has been pretty generally adopted by the committee in regard to making allowances in cases of personal injury; that is, to allow one year's salary. The committee were informed that this man was receiving compensation at the rate of \$720 a year, and that is the amount that the committee have allowed.

Mr. STAFFORD. Under the new law would not that be for more than a year?

Mr. STEPHENS of Mississippi. Perhaps so; but this man would not receive anything at all under the compensation act. He did not fall within the class who received compensation.

Mr. STAFFORD. My impression is that in the case of a permanent injury his compensation would run as long as he lives.

Mr. STEPHENS of Mississippi. In a case of total disability I think, perhaps, it would be 66½ per cent of his salary for a period of two years.

Mr. BROWNING. Under the last compensation act he would have to apply before the 4th of March, even if the case came under that law. It allows persons injured one year's time in which to apply. He was injured, I think, on the 4th of March, 1916.

Mr. YOUNG of North Dakota. Has he never worked since?

Mr. BROWNING. He has never worked since, and has been unable to get a position.

Mr. MILLER of Delaware. It is a pretty heart-rending task to serve on this committee, on these personal-injury cases. But to substantiate what the chairman of the committee has said, I want to state to the gentleman that in only two cases last year, and those where there was total disability, where people were strapped on their backs and helpless from paralysis, have we ever allowed more than a year's salary.

Mr. BROWNING. That does not make it right.

Mr. MILLER of Delaware. One was for \$3,000 and the other was for \$5,000.

Mr. BROWNING. Here is a young man in the early prime of life, 25 or 26 years old, deprived of the capacity to earn a living for the balance of his life on account of this accident, which occurred through no fault of his own. Capt. Bernard, who commanded the steamer, has written me to that effect, and has sent me a great many letters to try to have this bill passed to allow the compensation stated in the bill as I introduced it.

Mr. YOUNG of North Dakota. The gentleman from Delaware says that that has been the policy of the committee. I think it has been because we found in the past that the House would not stand for more than one year's salary. I think now in a case like this the House might be a little more liberal.

Mr. STAFFORD. I think there have been a number of cases in which they have been more liberal.

Mr. STEPHENS of Mississippi. I do not think there have been cases where we ever allowed more than one year's salary.

Mr. STAFFORD. Since Congress passed the workmen's compensation act has the committee been guided in their allowance by the amount that would have been allowed the claimant by the terms of that act?

Mr. STEPHENS of Mississippi. No; in matters like this, for a gratuity, we have been following the same policy adopted prior to that time.

Mr. BROWNING. Mr. Speaker, I move to amend by striking out "\$720" and inserting "\$2,500."

The SPEAKER. The gentleman from Mississippi has the floor.

Mr. BROWNING. I beg the gentleman's pardon. I thought he had finished.

Mr. STEPHENS of Mississippi. I demand the regular order.

Mr. BROWNING. Then, Mr. Speaker, I make a motion to amend by inserting "\$2,500."

Mr. MANN. Does not the gentleman from New Jersey know that that will probably kill the bill, either in this body or in the other body? We have occasionally, not wisely, passed bills giving a larger amount than would have been allowed parties that came within the law. I think invariably—there might be an exception—the Senate committee turned it down. There is no probability that this bill will ever become a law with the amount changed, either in this Congress or in any other. I think it is a question of whether the gentleman wants to get \$720.

Mr. BROWNING. I will admit, Mr. Speaker, that \$720 would come in very handy to this young man. The family is in destitute circumstances.

Mr. MANN. His family is in the same fix that thousands of others are.

Mr. BROWNING. I think that \$720 is a ridiculously low sum to pay any young man who has lost a leg.

Mr. MANN. But there is a possibility that he may not get anything at all.

Mr. STEPHENS of Mississippi. Mr. Speaker, I would like to suggest that once or twice we have passed a bill providing for more than one year's compensation, and when the bill reached the Senate—I remember one instance in particular—the amount was cut down to one year's salary.

Mr. MANN. And in some of these cases there have been objections made to the bill, and it has not been considered at all.

Mr. BROWNING. Mr. Speaker, I want to say that under the New Jersey compensation law this man would get about \$2,100.

Mr. MANN. Yes; but he is not making the claim under the New Jersey law.

Mr. BROWNING. Of course not; he was serving in New York in the Government service.

Mr. AUSTIN. Mr. Speaker, in the Sixty-first Congress I entered my protest against Congress passing bills of a similar character. At that time, I think, a committee of this House reported a bill to pay a widow \$500 for the loss of her husband in the Government service. Now, I said then that it was a reflection upon our sense of justice to ask us to put that contemptible valuation upon a human life.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. MILLER of Delaware. As I said, it is a hard task to have to report these bills, but we have to live up to the policy of Congress in the past.

Mr. AUSTIN. I will never live up to a wrong policy adopted by a previous Congress. We ought in the consideration of these cases to let our high sense of honor and our conscience dictate our course and not the previous action or policy of any administration or any Congress. Put ourselves in the place of one of these unfortunates, the one whose case is now under consideration, with the loss of his leg, without fault on his part, in the discharge of his duty in the Government service. There is not a man on the floor of this House who would sit on a jury and bring in a verdict similar to the amount carried in this bill. If you did it, you would forfeit the respect of your friends and your neighbors.

Now, let us lay aside what somebody else has done, what some other Congress has enacted, what bill has been passed giving a year's compensation in payment of the life of a Government employee. This man is a cripple for life. I do not know whether he has a dependent mother or a wife and children.

Mr. BROWNING. He has a dependent mother.

Mr. AUSTIN. He has a dependent mother. Now, I do not believe there is an enlightened State in this Union which has a compensation law on the statute book fixing so small an amount for the loss of a limb. If a State of the Union can pass legislation which is just and fair, why can not a combination of 48 States, representing the richest Government on the face of this earth, measure up in these matters with the action of a small State in the Union, with a limited population and limited taxable resources and wealth. Let us administer justice here just as though we were on the bench in a court of justice.

Mr. WILSON of Florida. Does the gentleman make a distinction between whether there is a liability or not? He speaks of a jury's verdict. We sue in the courts because there is a liability incurred. This is not a liability. It is almost a gift.

Mr. AUSTIN. No; it is not a gift. How can you say in all fairness that it is a gift when a man in the discharge of his duties in the Government service, without any fault on his part, loses his limb?

Mr. McCracken. Is not it a fact that this country is considering whether or not it might go to war with another country because the rights of humanity are involved, and has not this man a right to his life and liberty from the time he entered the service of the United States Government on a Government transport, and do we not owe him a duty at this time?

Mr. AUSTIN. Of course, we owe him a duty, but it is no recompense to pay him \$720. It is an insult to our sense of justice to ask us to vote this sum.

Mr. GARLAND. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. GARLAND. Just now we are on the point of taking over factories, and we will have a great many employees asked to go into the Government service. Whether that situation affects this or not, this is true, that we are now attempting to get men to join the Army and Navy. Is this kind of reward for an injury any incentive for a man to join?

Mr. AUSTIN. Oh, it is not justice; it is not fair; it is not right. You can not lay your hand upon your heart and remember your conscience and say such a settlement is just.

Mr. FARR. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. FARR. It was stated a little while ago by some gentleman that this injured man would receive 66½ per cent of a year's salary if he were subject to the provisions of the McGillicuddy compensation measure enacted at the last session of Congress. He would receive 66½ per cent of his monthly wage continuously as long as he was disabled, under the McGillicuddy Act, and that is the law the provisions of which, in justice, should influence us to-night in this sad case.

Mr. ALMON. That would be retroactive.

Mr. FARR. I know that; but I think we ought to work under the more liberal and humane provisions of that law.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. STAFFORD. Under the workmen's compensation act he would in case of partial disability receive a monthly com-

pensation equal to 66½ per cent of the difference between his monthly pay and his monthly wage-earning capacity at the beginning of such partial disability. Of course, in this case he is not totally disabled. He is totally disabled from performing the work that he performed prior to the injury, but there is no disguising the fact that a man with a cork leg can perform some work, such as that of watchman or guard; but that percentage would apply for life.

Mr. AUSTIN. Mr. Speaker, I want to say this: There is not a man in this House who would be willing to lose his leg and be paid a compensation of \$50,000 for it, and it is no excuse to say here that if we increase this amount the United States Senate will reduce it. I can take that record and defeat any Member of the United States Senate before the people, if that is his estimate and his idea of justice, and you can defeat any man in this House who will go before an enlightened constituency and take that position.

Mr. MILLER of Delaware. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. MILLER of Delaware. I do not rise to disagree with my friend, but I want to ask him to permit us to vote upon this, because we have only an hour and a half left to go over the rest of the calendar, and I am sure the House has been influenced by his speech and is ready to vote.

Mr. AUSTIN. I am ready to vote.

Mr. BROWNING. Mr. Speaker, somebody spoke to-night saying that the United States Senate is not willing to allow this payment. I have in my hand a copy of the Washington Times of to-day, in which it says that the Senate to-day passed a bill providing for the payment of \$2,500 to one Jennings because of the amputation of his left arm, due to an accident while he was employed as a painter at the Washington Navy Yard.

Mr. MANN. Mr. Speaker, I remember a little incident which took place in this House in a former Congress, to which the gentleman from Tennessee [Mr. AUSTIN] referred a moment ago, and I think my recollection of it is a little more accurate than his. An omnibus bill was reported to the House carrying a number of cases for personal injuries. When the first item came up in the House some one moved to increase the amount to \$5,000. I think it was the gentleman from Tennessee [Mr. AUSTIN], although upon that matter his recollection would be better than mine. The House increased the amount to \$5,000, and then it increased the amount in each of the other cases to \$5,000. I remember the gentleman from Massachusetts [Mr. GILLET] had a bill on the calendar providing for the payment of six or seven hundred dollars to some one, and he started to ask to insert his item in the omnibus bill. I said to him, "You better not do that; you have a chance to get your bill enacted into law, while this bill has not the chance of a snowflake in hades," and it never was passed, and people who were provided with something in it have not gotten it, and that will be the case here.

Mr. HELGESEN. To the disgrace of the Government.

Mr. MANN. The gentleman says to the disgrace of the Government. When I came here nothing was paid on these accounts, and then we passed a law providing that people in certain hazardous occupations should receive an amount not exceeding one year's salary. You may say that was not enough, but certainly it is not fair to give to some one who does not come within the terms of that law more than we would give if he enjoyed the benefit of the law. It would not be fair to say that you could give to certain people engaged in hazardous occupations a year's salary under the law and say that people who did not come within that law can get a great deal more than those who do enjoy its benefit. That would not be fair. That is what the committee has taken as its standard. We have increased the amount since then by the McGillicuddy Act, and it may be that after a while we will go back and from the very beginning of the Government pay to everyone, or his or her heirs, an amount equal to that which we pay now to those who are injured while in the Government service. I doubt whether we ever will, and I am sure we will be asked to go back a great many years. After all, you have got to draw the line somewhere.

The SPEAKER pro tempore. The question is on the amendment to the amendment offered by the gentleman from New Jersey.

The question was taken, and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. AUSTIN. A division, Mr. Speaker.

The House divided; and there were—ayes 20, noes 45.

So the amendment to the amendment was rejected.

Mr. AUSTIN. Mr. Speaker, I move to make it \$2,000—
 Mr. TAYLOR of Colorado. Mr. Speaker, I want to say to my friend from Tennessee, as well as to other Members of the House, we all know there are a great many of these bills that are very meritorious. I represent one claim here where a man—a United States deputy marshal performing his duty—was killed by some Indians and left a widow and a small child without any means of support whatever. The committee has cut it to one year's salary, yet it will be a godsend for them if they can get that. There are a great many equally meritorious bills on this calendar. Now, if we are going to spend the evening in useless debate, if we are going to waste time in presenting amendments that will not and can not be adopted, practically filibustering, we will do a great injury to many deserving people; and it does seem to me, in view of the statement of the minority leader and in view of the statement of the committee, which has been fair, that we ought not delay the consideration of these bills at all. We have only had, as I recollect it, about one or two opportunities of this kind, before to-night, during the past 8 or 10 months, and now if some few gentlemen take up most of this evening trying to get a little raise to some two or three bills that probably ought to be raised; but if they can not do it, for Heaven's sake let our other friends go ahead, let us take what the committee will give us and get some of them through rather than filibuster or waste the whole night here and never get anything for anybody. This may possibly be the last time this calendar is called this session of Congress, and I appeal to the gentleman's sense of fairness to let us proceed.

Mr. AUSTIN. How did the gentleman vote on this proposition?

Mr. TAYLOR of Colorado. I voted against that amendment. Of course I did, because I thought it was the safe and proper thing to do, just as Mr. MANN, of Illinois, did. If the gentleman is going to try to load these bills down this way, he will kill all of them. They will have no more chance than a snowball in Mexico. I hope the gentleman will not take up the time of the House longer.

Mr. AUSTIN. Mr. Speaker, I deny the gentleman's statement that I am filibustering on this bill.

Mr. TAYLOR of Colorado. Well, sir—

Mr. AUSTIN. I think I have some rights as a Member of this House.

Mr. TAYLOR of Colorado. Somebody will make a point of no quorum if this proceeding keeps up much longer.

Mr. AUSTIN. I think I can come in here and offer an amendment and discuss it without being charged with an attempt at filibustering.

Mr. TAYLOR of Colorado. Well, you have already offered one amendment to this bill, and the House has voted that down.

Mr. AUSTIN. Yes; and you will have another.

Mr. TAYLOR of Colorado. Yes; and then somebody will make a point of no quorum, and where will the gentleman's bill go and where will all the other claims go? They will be killed by useless discussion and amendments.

Mr. AUSTIN. Mr. Speaker, I do not propose to be taken off my feet or withdraw my motion because the gentleman is anxious to reach one of his bills. I have got some bills on this calendar, too.

Mr. TAYLOR of Colorado. My bills are already passed over and can not be reached to-night, but there are many other gentlemen who have meritorious measures that they want to reach to-night if possible.

Mr. AUSTIN. They can speak for themselves.

Mr. TAYLOR of Colorado. I can say to the gentleman right now, we will get nowhere in about five minutes at this rate.

Mr. AUSTIN. The gentleman will get nowhere in endeavoring to run me off the floor of the House by charging filibustering. If there is any filibustering, the gentleman is in it.

Now, the attention of the House has been called to the fact that the Senate last night unanimously passed a bill voting \$2,500 for the loss of an arm of a Government employee. Does this House want to stand on record as fixing the estimate of \$700 for the loss of a limb?

I know these sums were insignificant in the Sixty-first Congress. You were attempting to fight them and appealing for justice to create a sentiment in Congress against that policy, and as a result that Congress did wake up and pass a general bill, the McGillicuddy bill, to increase the amount. The agitation of this question and the calling of attention to the injustice and unfairness of it will have its effect whether in this Congress or not. Justice will not down. It is not justice; it may be temporarily called justice, but the time will come when the sentiment of this country will demand an increased amount covering the loss of a life or limb.

Mr. MOORE of Pennsylvania. Mr. Speaker, I am in sympathy with the argument the gentleman makes, and I think the House generally is, but I would like to ask whether the remedy for this would not be to repeal the act of May 30, 1908, known as the workman's compensation act, which fixes the amount of compensation as a measure of damage to be paid in a case of this kind?

I ask the gentleman this because I am representing a colleague to-night who has a bill here for the relief of the foster mother of a man who was killed in the service, for which only \$480, or a year's compensation, is to be paid. Is the remedy not in repealing existing law, which fixed such miserable compensation?

Mr. AUSTIN. I think we will get an amendment of that law when we call public attention to this character of cases here in the House of Representatives.

Mr. BROWNING. We have an amendment to it now.

Mr. AUSTIN. In the very case the gentleman cites, under the Federal compensation law Congress has fixed \$400 as the valuation of a human life. Now, can you beat it?

Mr. SABATH. Will the gentleman yield for a question?

Mr. AUSTIN. Yes.

Mr. SABATH. Is it not a fact that by the House adopting the compensation bill in the last Congress it recognized the fact that formerly the compensation which we have allowed on claims was too small?

Mr. AUSTIN. Yes.

Mr. MANN. Is it not a fact that that law expressly provides it will only affect people injured after the act takes effect?

Mr. AUSTIN. The House did recognize the fact, I presume, that the pay we allowed at that time was too small.

Mr. MANN. If we wanted to provide for these cases, why did we not do it on the new basis?

Mr. AUSTIN. Yes; but we legislated last year. We are legislating on these cases now.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. AUSTIN. Division, Mr. Speaker.

The House divided; and there were—ayes 30, yeas 43.

So the amendment was rejected.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

JOHN SIMPSON.

The next business in order on the Private Calendar was the bill (S. 3743) to reimburse John Simpson.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any moneys in the Treasury not otherwise appropriated, the sum of \$100 to John Simpson, of Pulaski County, Ky., to reimburse him for damages arising from the destruction of a creek ford due to backwater created by the construction of Lock and Dam No. 21 on the Cumberland River, and which payment is recommended to Congress by the Chief of Engineers, with a renewed recommendation therefor, in his annual report for the fiscal year ending June 30, 1915 (pp. 1085, 2837, and 2838), which is printed as House Document No. 91, Sixty-fourth Congress, first session.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES W. CROSS.

The next business in order on the Private Calendar was the bill (S. 4807) for the relief of James W. Cross.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

DUTIES ON FLAX-PREPARATORY MACHINES.

The next business in order on the Private Calendar was the bill (S. 4384) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

Mr. SABATH. Reserving the right to object—
The SPEAKER pro tempore. Objection is heard, and the Clerk will report the next bill.

JAMES M. MOORE.

The next business in order on the Private Calendar was the bill (H. R. 11498) making an appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there be, and the same is hereby, appropriated the sum of \$5,000 in payment of James M. Moore, late of Company L, Twenty-eighth Regiment, United States Infantry, transferred from Company M, First United States Infantry, for injuries sustained while in the service of the Government in the Philippine Islands as a teamster in a runaway accident on May 20, 1907.

Also, the following committee amendment was read:

Line 4, after the word "of," strike out "\$5,000" and insert "\$840."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out all after the word "Moore," in line 4, down to and including the word "Infantry," in line 7, reading as follows: "Late of Company L, Twenty-eighth Regiment United States Infantry, transferred from Company M, First United States Infantry." He was not in the Government service when the injury occurred.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HORACE G. KNOWLES.

The next business in order on the Private Calendar was the bill (H. R. 20185) for the relief of Horace G. Knowles.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

Mr. MILLER of Delaware. Will the gentleman withhold his objection for a moment?

Mr. MANN. Yes.

Mr. MILLER of Delaware. I would like to call the gentleman's attention to the fact that this man was minister to Nicaragua, and in waiting here, the same as Ambassador Fletcher has been waiting here on account of troubles in Mexico, he was allowed certain compensation by the Department of State, and could have gotten the amount claimed in this bill, but he did not send in his draft until after the amount had been covered back into the Treasury out of the appropriation; and the Department of State has no objection to the passage of this bill.

Mr. MANN. Well, the law allowed this man to be paid three months' salary. The department offered to pay him that amount, and he was very stubborn about it, and he told the department to "go to," and they went. Now he has gotten on his knees and wants us to pay it. He took his choice about it, and we are under no obligations to pay it.

Mr. MILLER of Delaware. I will say to the gentleman that he is not on his knees.

Mr. MANN. If he is not on his knees he ought not to have his money. [Laughter.]

Mr. MILLER of Delaware. While I do not believe in getting down on your knees to any Government department, even to Congress, I hope the gentleman will withdraw his objection.

Mr. MANN. I think I am obliged to object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

ESTATE OF JOHN C. PHILLIPS, DECEASED.

The next business on the Private Calendar was the bill (H. R. 8573) for the relief of the estate of John C. Phillips, deceased.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. Reserving the right to object, Mr. Speaker—

Mr. STAFFORD. I ask that it be passed over.

Mr. BYRNES of South Carolina rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. BYRNES of South Carolina. Is objection raised?

Mr. STAFFORD. I object.

Mr. BYRNES of South Carolina. Is the gentleman determined to object to it?

Mr. STAFFORD. I have examined it. I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects. The Clerk will report the next bill.

JANNA STOPPELS.

The next business on the Private Calendar was the bill (H. R. 19078) for the relief of Janna Stoppels.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. Reserving the right to object, Mr. Speaker, I would like to know something about this bill.

Mr. MILLER of Delaware. Mr. Speaker, inasmuch as I reported the bill from the committee, I will say to the gentleman from Illinois that it appropriates no money but enables a mother of a deceased soldier, a widow herself, to obtain what is due the beneficiary or soldier under the law, namely, six months' pay and whatever was coming to him at the time he died. It grows out of the recent Mexican trouble.

Mr. SABATH. I withdraw my objection, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That Janna Stoppels, mother of William Stoppels, late of Company L, Thirty-second Regiment Michigan National Guard Infantry, shall be regarded as the duly designated beneficiary of the late William Stoppels under the act approved May 11, 1908, as amended by the act approved March 3, 1909.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

CHARLES LEE BAKER.

The next business on the Private Calendar was the bill (S. 6154) for the relief of Charles Lee Baker.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. BOWERS. Mr. Speaker, will the gentleman from Illinois withhold his objection in order to permit me to make a statement?

Mr. MANN. Yes; I will.

Mr. BOWERS. Mr. Speaker, this bill is a meritorious one and should be passed.

Charles Lee Baker was born February 16, 1872. He was 26 years old when he entered the military service as a contract surgeon July 9, 1898. He has had 17 years of service as contract surgeon and member of the Medical Reserve Corps.

Military record: Contract surgeon, July 9, 1898, to May 31, 1899; September 1, 1900, to August 25, 1908. First lieutenant, Medical Reserve Corps, August 25, 1908, to present date.

Disability: Dr. Baker's disability is deafness incurred in the service in line of duty. He has been receiving the best medical treatment for several years, but without practical results which warrant his indulging the hope of being restored to a normal condition. Capt. R. H. Goldthwaite, of the Medical Corps, in his official report on Dr. Baker, says:

There is no prospect of any marked improvement in hearing, and under field conditions further inflammation of middle ear and further loss of hearing is to be expected.

As an indication of the degree of deafness in Dr. Baker's case, Capt. R. H. Goldthwaite, Medical Corps, United States Army, further states in his official report that the hearing is as follows:

Whispered voice, 1 foot for right ear and 3 feet for left ear (20 feet is normal).

Ticking of watch: Right ear not even heard on contact; left ear heard at 3 inches (3 feet is normal).

The official indorsement of the Surgeon General of the Army is as follows:

WAR DEPARTMENT,
SURGEON GENERAL'S OFFICE,
June 8, 1916.

TO THE ADJUTANT GENERAL OF THE ARMY:

1. Recommending favorable consideration.

2. Lieut. Baker is now sick at the Walter Reed General Hospital, Tokoma Park, D. C., with chronic otitis media incurred in the line of duty. He has had nearly 17 years of service as contract surgeon and member of the Medical Reserve Corps.

(Signed) W. C. GORGAS,
Surgeon General United States Army.

The official indorsement of the Secretary of War is as follows:

JUNE 10, 1916.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate:

Referring to S. 6154, Sixty-fourth Congress, first session, a bill for the relief of Dr. Charles Lee Baker, which is returned herewith, I have the honor to inform you that it appears from the records of the War Department that Dr. Baker was born February 16, 1872; that he served as a contract surgeon from July 9, 1898, to May 31, 1899, and from September 1, 1900, to August 25, 1908, and has served as a first lieutenant in the Medical Reserve Corps since August 13, 1908.

In view of the fact that Dr. Baker has served for more than 16 years in the Medical Department of the Army and has contracted a disability in the line of duty, I recommend that the bill in question be favorably considered.

Very respectfully,

(Signed) W. M. INGRAHAM,
Assistant Secretary of War.

Dr. Baker's disability renders him unfit for further duty in the service or in civil life in the practice of his profession. This disability was incurred while serving in the Philippines and in the Hawaiian Islands—about one-half of this time having been spent in the foreign service. Provision is made by Congress for disabilities incurred in every other branch of the service. A surgeon in the Medical Corps would be no less efficient if he were transferred to the Medical Reserve Corps, and vice versa.

There is no doubt that the War Department expects and receives the same standard of service from its surgeons in either corps. It is only right and equitable that Dr. Baker's disability, incurred while serving 17 years as a surgeon, shall merit the same reward as if he had served in the Medical Corps instead of the Medical Reserve Corps. The difficulty in Dr. Baker's case is that there is no statute which permits retirement as a member of the Medical Reserve Corps. Dr. Baker has always been a first lieutenant in the Medical Reserve Corps, the lowest rank provided by law for medical officers. This bill authorizes the President to transfer him as a first lieutenant to the Medical Corps and then retire him.

In addition to that, this bill passed the Senate and was reported to this House. The Committee on Military Affairs, to which the bill was referred, unanimously reported the bill back with a recommendation that it be passed.

After 17 years' service it strikes me, and especially when the individual is incapacitated by reason of these disabilities, that it ought to be the pleasure of this House to pass this bill, and there should be no objection.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I dislike to object to bills of this character. It is a hard case. But there are a great many hard cases where men in the Government service are injured. Personally I am not in favor of extending the retired list in the Army beyond what the law allows. In fact, if I had my own way about it, I would considerably restrict the retirement laws of the Army and the Navy. There is no one who would not like to get on that retired list. I would like it myself, but I never will. The mere fact that some one has served in the Government service for years is no reason for putting him on the retired list of the Army.

Mr. McKELLAR. Mr. Speaker, will the gentleman yield?

Mr. MANN. Not now. This man was a contract surgeon. He was not a Regular officer of the Army. If he had been a Regular officer of the Army, he would have been placed on the retired list. But the law does not put contract surgeons upon the retired list, and I do not see any reason why we should make an exception in favor of one man when we do not provide for the others.

Now I yield to the gentleman from Tennessee.

Mr. McKELLAR. I want to ask the gentleman if he does not draw this distinction, that this man was injured in line of service while serving in line of military duty. The Secretary of War, in making his report on it, asserts that such is the fact, and so does the Surgeon General, and it seems to me that under those circumstances a distinction exists that the gentleman has not drawn.

Mr. MANN. Lots of clerks working for the War Department not eligible to the retired list are injured or else by reason of age become incapacitated in the service, but we do not put them on the retired list. They would like to be put there, and it may be that they should be.

Mr. McKELLAR. But this man was performing the service of a medical officer in the Regular Army.

Mr. MANN. He was performing the service of a contract surgeon.

Mr. McKELLAR. Let us admit his service was probably the same as would have been performed by a Regular officer.

Mr. MANN. Yes; but he had the same rank and pay as a Regular officer.

Mr. KELLEY. Mr. Speaker, I would like to ask the gentleman if the same rule governs the Senate as governs this committee in the House?

Mr. MANN. No rules govern the Senate committee or the Senate in reference to matters when some Senator is personally interested.

Mr. McKELLAR. I want to say to the gentleman that this is a meritorious case. I am confident of it both from reading the report and from having seen the officer.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

WILLIAM O. SARBER.

The next business on the Private Calendar was the bill (H. R. 4359) to amend the military record of William O. Sarber.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. Reserving the right to object, I should like to know something about this bill, either from the committee or from the gentleman who introduced it.

Mr. FIELDS. Mr. Chairman, the report shows that this soldier enlisted in 1862 for three months, and was honorably discharged. He again enlisted in March, 1865, and was charged with desertion July, 1865, after the war was over.

Mr. SABATH. How long was he in the service the second time?

Mr. FIELDS. From March, 1865, to July, 1865.

Mr. SABATH. The first time only three months?

Mr. FIELDS. The first time three months. He served out his first enlistment. On his second enlistment, after the war was over, a number of soldiers, 20, I believe, went away, as many others did, subsequently returning for their discharges.

It seems from the testimony that there was some difficulty between this soldier and his captain, and when the 20 men who had been away for some 20 days returned, the captain said to this man, "If you go to apply for your discharge I will have you arrested and court-martialed," and he was thereby intimidated and did not apply for his discharge, while it seems that the others who were with him went and applied for their discharges and received them.

Mr. SABATH. What are you aiming to do by this bill?

Mr. FIELDS. To hold that he was honorably discharged.

Mr. SABATH. I object—

Mr. GALLAGHER. I can tell the gentleman something about this bill. It was introduced by the gentleman from Illinois [Mr. McKENZIE].

Mr. SABATH. I object, but not on that ground.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

SYLVESTER HANNAN, ALIAS HENRY EDWARDS.

The next business on the Private Calendar was the bill (H. R. 9402) for the relief of Sylvester Hannan, alias Henry Edwards.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws, Sylvester Hannan, alias Henry Edwards, late of Company K, Twelfth Regiment New York Volunteer Cavalry, and Company D, Third Regiment Illinois Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of Company D, Third Regiment Illinois Volunteer Cavalry, on August 1, 1862.

With the following committee amendment:

Page 1, line 10, after the word "sixty-two," insert "Provided, That no pay, pension, bounty, or allowance shall be held to have accrued prior to the passage of this act."

The committee agreement was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

JOHN W. CUPP.

The next business on the Private Calendar was the bill (S. 147) for the relief of John W. Cupp.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

CHARLES LYNCH.

The next business on the Private Calendar was the bill (H. R. 14763) for the relief of Charles Lynch.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I should like to know about this bill.

Mr. TILSON. This man enlisted to serve for three years, and served faithfully to within less than three months of the expiration of his term of service. The regiment had been sent home to be recruited up and was returning to the front. When on board a boat at New York preparatory to sailing this soldier was permitted by the company commander to go over the gangplank to get some tobacco. While away from the boat making his purchases the boat pulled out. He came back to the

dock in time to see the boat backing out into the channel. He waved his arms frantically, but the boat continued out to sea, and he was left on the dock.

Mr. FIELDS. The boat carrying all his baggage and everything?

Mr. TILSON. Yes; he left his baggage, equipment, and everything else, except the uniform he wore, on the boat. He was approached by an alleged friend, who said to him, "If you are caught with this uniform on, you will be arrested and all sorts of evil things will happen to you, but if you will come with me I will see you well out of it." So this man went away with his new-found friend to Boston. There, 12 days after he had been left in New York, he enlisted in a Massachusetts Cavalry regiment and went right away to the front again.

Mr. GALLAGHER. How much bounty did he get?

Mr. TILSON. That was the only question that came up which caused the committee to hesitate. We investigated and were unable to find that he got any bounty. He gave positive testimony that he received none. It appeared to the committee to be one of those cases where a bounty shark had exploited an ignorant soldier. We were unable to find evidence, however, that any bounty had been paid to anyone, though it is quite possible that it was paid to the alleged friend. The fact remains, however, that the soldier reenlisted, went to the front, and served until the 9th of August, 1865. You will note that he served the entire war through with the exception of 12 days. He got an honorable discharge for his last service, but on account of his first service being technically "not faithful," being marked as a deserter, he can not now receive a pension. He is now old and crippled and sorely needs a pension. We believe his long service entitles him to it.

Mr. SABATH. Any man who was left in New York was punished enough. [Laughter.] I shall not object.

Mr. MEEKER. Do I understand this man went ashore to get some tobacco?

Mr. TILSON. That is what he testifies, that he went ashore to get tobacco.

Mr. MEEKER. Should not that be held up as a warning to everybody against the horrible habit of using tobacco? [Laughter.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring the rights, privileges, or benefits upon honorably discharged soldiers, Charles Lynch, who was a private in Company A, Ninth Connecticut Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 16th day of July, 1864.

With the following committee amendment:

Page 1, line 10, after the word "sixty-four," insert the following: "Provided, That no back pay or pension be allowed prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. MANN. I should like to ask a question. This bill provides—

That no back pay or pension be allowed prior to the passage of this act.

We passed a bill just ahead of this providing—

That no pay, pension, bounty, or allowance shall be held to have accrued prior to the passage of this act.

I understand that under these bills a man gets a pensionable status even if we provide that no pay, pension, bounty, or allowance shall accrue by reason of the passage of the act.

Mr. TILSON. The purpose of this bill is to give the man a pensionable status, but that amendment is put in in order to prevent any claims for back pay, bounty, or anything of that kind.

Mr. MANN. It does not have to say "back pay." Suppose you say "no pay or pension," does not the man get a pensionable status?

Mr. TILSON. He gets a pensionable status.

Mr. MANN. That is what I want to know.

Mr. TILSON. That is what this bill is for, to give him a pensionable status.

Mr. MANN. I notice that the Committee on Military Affairs report no two bills with that amendment in the same words. I do not see why they do not adopt a standard form.

The SPEAKER pro tempore. This bill has been ordered to be read a third time.

The bill was read the third time and passed.

WILLIAM H. KEYS.

The next business on the Private Calendar was the bill (H. R. 17411) for the relief of William H. Keys.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, this is a bill to pay the funeral expenses of a former employee in the House. He was an employee in a former Congress and it appears that the heir is a nephew of the deceased. I notice that in the bill as reported they strike out six months' pay and appropriate to pay William H. Keys, sole dependent heir of Robert Keys, the deceased, an amount not to exceed \$250 to defray the funeral expenses. There is nothing in the record that shows that he is dependent. Did he pay the funeral expenses?

Mr. MILLER of Delaware. This is to pay the funeral expenses, which amounted to more than \$250. An itemized account was rendered to the committee and for the information of the gentleman I will say that this man, who was an employee around the House for a number of years, left an estate very much involved, and this man is the sole heir, or was at the time he died, and being a minor was a dependent heir.

Mr. MANN. Was he receiving his support from this House employee?

Mr. MILLER of Delaware. At the time the man died he was a minor and lived with Robert Keys. The committee fully investigated the accounts and it was found that it cost more than \$250 to bury this man.

Mr. MANN. I do not think we ought to say "an amount not exceeding \$250 to defray the funeral expenses." This man did not pay the expenses. I have no objection to paying \$250, that being the amount of the funeral expenses.

Mr. MILLER of Delaware. I have no objection to the gentleman from Illinois offering an amendment.

Mr. MANN. I have no objection.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William H. Keys, sole dependent heir of Robert Keys, deceased, the sum of \$360, being an amount equal to six months' salary of the said Robert Keys as an employee in the Doorkeeper's department of the House of Representatives at the time of his death, and an additional amount not exceeding \$250 to defray the funeral expenses of the said Robert Keys.

With the following committee amendment:

Page 1, line 6, strike out the words "the sum of \$360, being an amount equal to six months' salary of the said Robert Keys as," and strike out, in line 10, the word "and," after the word "death," and the word "additional" before the word "amount."

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend further by striking out, in line 10, the words "an amount not exceeding," and, in line 11, the word "defray" and insert, after the sum of "\$250," the words "an amount equal to," so that it will read "to pay \$250, an amount equal to the funeral expenses of the said Robert Keys."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

FRANK PINKLEY.

The next business on the Private Calendar was the bill (H. R. 17692) for the relief of Frank Pinkley.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

STEPHEN J. HAFF.

The next business on the Private Calendar was the bill (H. R. 12317) for the relief of Stephen J. Haff.

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. Reserving the right to object, I would like a little light on this bill.

Mr. MOORE of Pennsylvania. Can not we have the bill read?

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws the Secretary of the Interior be, and he is hereby, authorized to consider Stephen J. Haff, late of Company I, Ninetieth Regiment New York Volunteer Infantry, as having been honorably discharged as of September 8, 1864: *Provided*, That no pay, pension, or bounty shall accrue by reason hereof prior to the passage of this act.

The following committee amendment was read:

Line 5, strike out the letter "I" and insert "D."

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. I reserve the right to object.

Mr. HICKS. Mr. Speaker, this soldier enlisted in 1861 and served three years with credit. At the end of his term of service he reenlisted as a veteran, and while he was home on a furlough he met an officer with whom he had had some trouble, and they had more trouble. He returned to headquarters and was given a pass to go to his regiment. He met this officer on the way, and they had some very bitter words. The result was that the officer struck the man in the face and he knocked the officer down and kicked him. The officer threatened him

with all sorts of things. The man got on the train with his pass and ticket, and while on the train the guard came and said, "If I were in your place I wouldn't go to Washington."

Mr. SABATH. Did this man serve in the Army?

Mr. HICKS. Yes; he served three years, and after that he enlisted and served again.

Mr. SABATH. I withdraw the objection.

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

WILLIAM BLAIR.

The next business on the Private Calendar was the bill (H. R. 20161) for the relief of William Blair.

The SPEAKER pro tempore. Is there objection?

Mr. MILLER of Delaware. Mr. Speaker, a bill for the relief of William Blair passed the Senate, S. 6595, and is now on the Speaker's table. I understand that it makes an appropriation, whereas the House bill only refers the matter to the Court of Claims. I state that for the information of the House.

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. What does the Senate bill call for? What is the appropriation?

Mr. MANN. I think it calls for \$18,000.

Mr. SABATH. Mr. Speaker, what is the request of the gentleman from Delaware?

Mr. MILLER of Delaware. Mr. Speaker, I was merely informing the House that we had a similar bill on the Speaker's table from the Senate, and I was about to ask unanimous consent to take it up and consider it at this time unless some one objected to it.

Mr. STEPHENS of Mississippi. Mr. Speaker, I will state to the gentleman from Illinois [Mr. SABATH] that Mr. Blair claims to have been damaged in the sum of \$33,236, and it is very evident that he was damaged in a considerable sum. Just how the Senate arrived at the conclusion that \$18,000 is the correct amount to pay I am not exactly certain, but my recollection is that the department authorized some one connected with the department to make an investigation, and my recollection further is that this person after making the investigation stated that he thought \$18,000 would cover the damages.

This damage arose through dipping some cattle that belonged to Mr. Blair, the dipping being done by a Government inspector. He prepared the dipping fluid in a bad way, and I think it was shown that he was perhaps drunk at the time. He made the fluid entirely too strong, and killed quite a number of cattle and injured several hundred head.

Mr. SABATH. What became of the inspector, the man who was guilty?

Mr. STEPHENS of Mississippi. My impression is that he left the country—skipped out. That is my recollection now. I rather think it will be proper to pay the damage of \$18,000.

Mr. SABATH. And what the gentleman is asking is to confer jurisdiction upon the Court of Claims?

Mr. STEPHENS of Mississippi. That is what our committee did.

Mr. MILLER of Delaware. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MILLER of Delaware. Have we this bill before the House? If not, I desire to ask unanimous consent that the Senate bill be considered in lieu of the House bill that is now on the calendar.

Mr. SABATH. I object to the request of the gentleman.

Mr. MANN. Mr. Speaker, will my colleague withhold that for a moment? I think he might well be entitled to make the objection, and yet I think the Government will make money by passing the Senate bill.

Mr. SABATH. Mr. Speaker, I reserve the objection.

Mr. MANN. This is a case where the Government is clearly responsible. The man dipped a lot of cattle for ticks, and the dipping fluid was too strong with arsenic. Some young doctor had been employed through the civil-service regulations, and although he had been warned he made the mixture too strong. The result was that it killed a lot of cattle and took the hide off a lot of others. There is no question that the Government is responsible. The House bill proposes to refer the matter to the Court of Claims. The Senate bill, as I recall from reading the report, makes an appropriation of \$18,000, possibly eighteen thousand and some odd dollars. The inspector of the Government who made the estimate of the loss fixed the amount at \$18,293.30. There is no possibility that if there is a suit in the Court of Claims there will be any less amount found than the Government admits its liability for, and the probability is that there will be a considerably larger amount

allowed by the Court of Claims, the claimant claiming some \$40,000 or \$50,000.

Mr. SABATH. Will the gentleman inform me from whom he secures this information?

Mr. MANN. From the report itself. The gentleman will find the estimate of the inspector in charge on page 14 of the report on the House bill. There is no possibility that if we refer the matter to the Court of Claims there will be a judgment smaller in amount than the amount of the appropriation, and I think it wiser, though it is of course an unusual thing, to pass the Senate bill with the amount fixed, and give the man his money, than to send it to the Court of Claims and after a few years give him a good deal more money. It is probably better for him to get the money now, and it certainly is better for us to pay it now.

Mr. SABATH. In his original claim it shows that he made a claim for 77 steers at \$66, and the report of the inspector shows only 59 head.

Mr. MANN. That is a question of whether they were damaged or not.

Mr. SABATH. It shows that his original claim was not honest.

Mr. MANN. Oh, it was honest; but there is a difference of opinion. As I recall it—and I have not read this since it was reported—the inspector charged the man with an increase in value of \$7 a head, which is purely problematical.

Mr. STEPHENS of Mississippi. There were about twenty-five hundred head of cattle in this bunch, and there is a little discrepancy in the calculation.

Mr. SABATH. I mean as to those that were killed. The original claim was for 77 steers where the inspector found only 59. They allow for wintering, and so on, for 940 steers at \$7 per head, and for summering 937 steers at \$3 a head.

Mr. MANN. Mr. Speaker, the gentleman will find the complete statement of the claimant on page 18 of the report. After deducting \$4.80 per head, as he does, as a credit, he makes a claim in the end of \$33,274.85. His original claim was \$42,289.25. Undoubtedly we would save money by passing the Senate bill.

Mr. SABATH. Was there any evidence taken or given before the committee?

Mr. STEPHENS of Mississippi. There were quite a number of affidavits, letters, and statements made by parties. They are all mentioned in the report.

Mr. MANN. It is admitted by the Secretary of Agriculture and the Bureau of Animal Industry. The gentleman does not need any more than that.

Mr. SABATH. Mr. Speaker, I withdraw my objection.

Mr. MANN. Let the Senate bill be read first and see what it is. My recollection is from reading the record it is eighteen thousand and some odd dollars.

Mr. STEPHENS of Mississippi. Mr. Speaker, I ask unanimous consent that the Senate bill be read in lieu of the House bill.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that the House bill may be tabled and the Senate bill be taken up for action in the House. Is there objection?

Mr. MANN. Let the Senate bill be read.

The Clerk read as follows:

An act (S. 6595) to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture.

Be it enacted, etc., That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$18,000, to reimburse William Blair, of Hominy, county of Osage, State of Oklahoma, for losses and damages sustained by him through the negligence of one of the veterinary inspectors employed by the Bureau of Animal Industry, Department of Agriculture, in dipping cattle belonging to said Blair, in Osage County, Okla., on or about the 27th, 28th, and 29th of August, 1915, said sum to be paid to said Blair in full for all losses and damages so sustained by him.

The SPEAKER pro tempore. Is there objection to the motion of the gentleman from Delaware? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

The House bill (H. R. 20161) was ordered to be laid on the table.

WILLIAM I. WOOD.

The next business in order on the Private Calendar was the bill (H. R. 17305) for the relief of William I. Wood.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of William I. Wood, late postmaster at Corinna, Me., in the sum of \$106, due to the United States, being money-order funds lost in a fire which destroyed the Bangor, Me., post office April 30, 1911.

Mr. GUERNSEY. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman desire to object?

Mr. GUERNSEY. No.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

L. W. DRAGOO.

The next business in order on the Private Calendar was the bill (H. R. 4416) to reimburse William Drago, formerly postmaster at Smithfield, Wetzel County, W. Va., for money, money orders, and postage stamps stolen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object—

Mr. MANN. Mr. Speaker, I object.

ASBURY SCRIVENER.

The next business in order on the Private Calendar was the bill (H. R. 15999) to correct the military record of Asbury Scrivener.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That Asbury Scrivener shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company F, Second Regiment District of Columbia Volunteer Infantry, on April 28, 1864.

The committee amendment was read, as follows:

Strike out all the matter just read after the enacting clause and insert in lieu thereof the following: "That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Asbury Scrivener, who was a private in Company F, Second Regiment District of Columbia Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 7th day of August, 1864."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

The title of the bill was amended to read: "A bill for the relief of Asbury Scrivener."

Mr. MILLER of Delaware. Mr. Speaker, I would ask unanimous consent for one minute in which to make a statement.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER of Delaware. Mr. Speaker, two days ago we passed the bill H. R. 11150, a bill for the relief of mail contractors. The bill is now on its way to the President for his action. There are 36 bills on this Private Calendar covered in that bill for the relief of mail contractors. I ask unanimous consent that those bills be stricken from the calendar and instead of reading the list I have I will send it to the Clerk's desk for the Clerk to read.

Mr. STAFFORD. Is the gentleman certain that the President will approve the bill?

Mr. MILLER of Delaware. I have no advance information on that, but it is our desire to clean up the calendar, and these bills are all included in that omnibus bill.

Mr. STAFFORD. I understand they are all included in that, but I thought perhaps the gentleman was a little bit previous in making that motion.

Mr. MILLER of Delaware. There is absolutely no objection to this. The individual Members who are interested in the bill, the gentleman from Mississippi and myself, have worked on this matter since the opening of Congress and we want to clear up the calendar.

Mr. MANN. I would like to have the memorandum sent up and read or have it put in the Record.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I want it put in the Record.

Mr. MILLER of Delaware. I said that the bills are all contained in the memorandum which I have sent to the Clerk's desk.

Mr. MANN. But I want the memorandum inserted in the Record; I do not care whether it is read or not.

The SPEAKER pro tempore. That will be directed to be done.

The memorandum is as follows:

BILLS ON PRIVATE CALENDAR CONTAINED IN H. R. 11150, THE OMNIBUS BILL FOR THE RELIEF OF MAIL CONTRACTORS.

H. R. 9558, reported by Mr. MILLER of Delaware, No. 91.
H. R. 9148, reported by Mr. MILLER of Delaware, No. 92.
H. R. 10891, reported by Mr. MILLER of Delaware, No. 93.
H. R. 11092, reported by Mr. MILLER of Delaware, No. 94.
H. R. 9113, reported by Mr. STEPHENS of Mississippi, No. 95.
H. R. 11400, reported by Mr. RUSSELL of Ohio, No. 99.
H. R. 8622, reported by Mr. PRICE, No. 109.
H. R. 12553, reported by Mr. MILLER of Delaware, No. 110.
H. R. 12554, reported by Mr. MILLER of Delaware, No. 123.
H. R. 10992, reported by Mr. MILLER of Delaware, No. 124.
H. R. 11341, reported by Mr. MILLER of Delaware, No. 125.
H. R. 9783, reported by Mr. POU, No. 134.
H. R. 9175, reported by Mr. POU, No. 135.
H. R. 5416, reported by Mr. STEPHENS of Mississippi, No. 136.
H. R. 9455, reported by Mr. STEPHENS of Mississippi, No. 137.
H. R. 13100, reported by Mr. STEPHENS of Mississippi, No. 138.
H. R. 9463, reported by Mr. STEPHENS of Mississippi, No. 139.
H. R. 3835, reported by Mr. STEPHENS of Mississippi, No. 140.
H. R. 10054, reported by Mr. STEPHENS of Mississippi, No. 142.
H. R. 6225, reported by Mr. RUSSELL of Ohio, No. 145.
H. R. 11696, reported by Mr. MILLER of Delaware, No. 147.
H. R. 1442, reported by Mr. POU, No. 154.
H. R. 6009, reported by Mr. STEPHENS of Mississippi, No. 155.
H. R. 6010, reported by Mr. STEPHENS of Mississippi, No. 156.
H. R. 6011, reported by Mr. STEPHENS of Mississippi, No. 157.
H. R. 6012, reported by Mr. STEPHENS of Mississippi, No. 158.
H. R. 6013, reported by Mr. STEPHENS of Mississippi, No. 159.
H. R. 6014, reported by Mr. STEPHENS of Mississippi, No. 160.
H. R. 6015, reported by Mr. STEPHENS of Mississippi, No. 161.
H. R. 6016, reported by Mr. STEPHENS of Mississippi, No. 162.
H. R. 13308, reported by Mr. MILLER of Delaware, No. 170.
H. R. 8265, reported by Mr. MILLER of Delaware, No. 171.
H. R. 12798, reported by Mr. POU, No. 180.
H. R. 5501, reported by Mr. POU, No. 181.
H. R. 5502, reported by Mr. POU, No. 182.
H. R. 9181, reported by Mr. POU, No. 184.

MARTIN V. PARMER.

The next business in order on the Private Calendar was the bill (S. 2880) for the relief of Martin V. Parmer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to be informed as to what this bill calls for.

Mr. FIELDS. Mr. Speaker, this soldier enlisted on the 1st day of December, 1861, and served until he was wounded in the Battle of Chickamauga, 1863. The records of the War Department show that he was in three or four different hospitals from that time on, and reenlisted August 4, 1864. The proof then shows that because of his disability from his wounds received in the right forearm that he was transferred to the reserves, being unable to perform military duty. While in that condition he received word that some band of marauders were disturbing the country around his home in Nebraska, I believe, and he asked for permission to go home to protect his family, as he was not able to render military service at the time.

He did not get it immediately, but he did go home for the protection of his family. In view of his two and one-half years of service, and the fact that he was wounded in the service, and was in some three or four different hospitals, the committee thought it a proper case.

Mr. SABATH. I think it is a meritorious case, and I withdraw my objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Martin V. Parmer, late of One hundred and thirty-eighth Company, Second Battalion Veteran Reserve Corps, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company on the 4th day of August, 1864. *Provided,* That no pension shall accrue prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

PETER KENNEY.

The next business in order on the Private Calendar was the bill (S. 1553) for the relief of Peter Kenney.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. SABATH. Mr. Speaker, I would like to have some information on this bill.

Mr. FIELDS. Mr. Speaker, this soldier served from August 19, 1861, to October 12, 1863, when he was wounded in the Battle of Gettysburg. He was in the hospital for a long while, and when he was able to leave the hospital he was given a furlough. He went home during his furlough, and cut his foot with an ax, as the testimony shows, and was not able to return to his command until after his regiment was mustered out.

Mr. SABATH. He served about two years and a half?

Mr. FIELDS. Yes, sir. And was wounded in the Battle of Gettysburg.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Peter Kenney, late of Company G, Fifth Regiment Michigan Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 5th day of February, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

GARDINER L. EASTMAN.

The next business in order on the Private Calendar was the bill S. 5203, for the relief of Gardiner L. Eastman.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Gardiner L. Eastman, who was a private of Company H, Thirtieth Regiment Maine Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on or about the 16th day of June, 1865: *Provided*, That no pay, pension, bounty, nor other emolument shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

HEIRS OF ANTOINE BAYARD.

The next business in order on the Private Calendar was the bill S. 2222, for the relief of the heirs of Antoine Bayard.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to the heirs of Antoine Bayard, late member of the Mississippi Militia, during the War of 1812, a duplicate bounty land warrant for 120 acres, in lieu of warrant No. 34205, heretofore issued under the act of March 3, 1855, which has heretofore been lost and has never been used.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

REUBEN SEWELL.

The next business in order on the Private Calendar was the bill (H. R. 1869) correcting the military record of Reuben Sewell.

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. Reserving the right to object, I would like to know from the chairman something about this bill.

Mr. McCracken. Mr. Speaker, I would like to say for the gentleman's information this bill refers to one Reuben Sewell, who enlisted September 1, 1861. He served three months and then reenlisted for further service, and served throughout the entire Civil War. After the Civil War he enlisted again for military service in the West, fighting Indians. There is some discrepancy as between this man's record and his military record, which shows that possibly he did not report for duty for a period of a couple of months. He says he went from Washington City to visit his folks in Philadelphia, and that he was not away from his service; that he performed his service entirely throughout the entire Civil War, and he is only asking for what he feels he is entitled to.

Mr. SABATH. Was he charged with desertion?

Mr. McCracken. So far as the records of the department are concerned down here—they infer there is a desertion, although it is not absolute.

Mr. CRAGO. The records of Pennsylvania show that he served two enlistments.

Mr. McCracken. He served two enlistments.

Mr. SABATH. It is only a question as to two months?

Mr. McCracken. That is all.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

Mr. MANN. Report the committee amendment.

The bill as amended was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Reuben Sewell, who was a private of Company G, Twenty-third Regiment Pennsylvania Volunteer Infantry, and transferred to Company E

of that regiment, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the last-named company on the 25th day of July, 1864.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. TILSON. Mr. Speaker, I move to amend at the end of the bill, after the word "sixty-four," in line 4, page 2, by inserting "Provided, That no pension or allowance shall accrue prior to the passage of this act."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Connecticut [Mr. TILSON].

Mr. STAFFORD. Let the amendment be reported.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

After the word "sixty-four," on page 2, line 4, insert: "*Provided*, that no pay, pension, bounty, allowance, or other emolument shall accrue prior to the passage of this act."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Connecticut [Mr. TILSON].

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time and passed.

The title was amended to read as follows: "A bill for the relief of Reuben Sewell."

ALLEN HYATT.

The next business on the Private Calendar was the bill (H. R. 15852) for the relief of Allen Hyatt.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Allen Hyatt, who was a private in Company H, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States on the 23d day of June, 1863: *Provided*, That no bounty, pay, pension, or other emolument shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

AQUILA NEBEKER.

The next business on the Private Calendar was the bill (S. 5632) for the relief of Aquila Nebeker.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I do not know whether anybody is looking after the bill or not. I see the report on the bill states that "this bill is substantially the same as the bill H. R. 14836, which was favorably reported by the House Committee on Public Lands at the last session of Congress, but which was not passed because of the congestion of legislation in the House at that time." Was that bill reported at the last session?

Mr. MAYS. That is what the report says.

Mr. MANN. I know; but is that correct?

Mr. MAYS. I do not remember that it was, but it passed the Senate.

Mr. MANN. Gentlemen making reports of that kind ought to be careful. That is the principal reason given for the reporting of this bill. It says that a similar bill was reported at the last session of Congress, and that the House bill was not passed because of the congestion of business. The fact seems to be that no such bill was reported at all.

Mr. MAYS. It passed the Senate.

Mr. MANN. But the House bill was not passed.

Mr. MAYS. The Senate bill was similar to this one.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to accept title to the following-described lands, either in whole or in part, upon certification by the Secretary of Agriculture that the lands are chiefly valuable for national forest purposes and approximately equal in value to the lands to be given in exchange therefor: The south half of the southeast quarter of section 3; the northeast quarter of the northeast quarter and the south half of the southwest quarter of section 10; the north half of the northeast quarter of section 15, all in township 12 north, range 4 east; the south half of the northwest quarter and the northwest quarter of the southwest

quarter of section 14, township 13 north, range 4 east; lots 1, 2, 3, and 4 and the south half of the northwest quarter and all of the southwest quarter of section 4; all of section 9; and the north half of section 16; all in township 14 north, range 4 east of Salt Lake base and meridian, situate in the Cache National Forest; and to issue to Aquila Nebeker in lieu thereof patents to the following-described areas, or such parts thereof as are approximately equal in value to the lands conveyed: The south half of the northeast quarter and all of the southeast quarter of section 11; the southwest quarter of section 12; all of section 13; the northwest quarter of the northeast quarter, the southeast quarter of the northeast quarter, and all of the southeast quarter of section 14; the northeast quarter of section 23; and the north half of section 24; all in township 13 north, range 4 east of Salt Lake base and meridian: *Provided*, That the lands conveyed to the Government shall thereupon become parts of the Cache National Forest and subject to all laws and regulations applicable thereto.

With committee amendments, as follows:

Amend. page 2, by inserting after the word "are," on line 11, the words "found by the Secretary of Agriculture to be," and on page 2, line 24, after the word "thereto," by inserting a colon and adding the following: "Provided further, That the Secretary of the Interior and the Secretary of Agriculture shall jointly report to Congress, in detail, the factors upon which the valuations were made."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

ELIZABETH DAVIS.

Mr. STEPHENS of Mississippi. Mr. Speaker, I ask unanimous consent to return to Calendar No. 352, an act for the relief of Elizabeth Davis.

ASBURY SCRIVENER.

Mr. MANN. Well, Mr. Speaker, I ask unanimous consent that we may vacate the order by which we passed the bill H. R. 15999, which was a bill to give a pensionable status to Asbury Scrivener, and that we add as an amendment to the bill the provision that "no bounty, pay, pension, or other emolument shall accrue prior to the passage of the bill."

Mr. FIELDS. Yes; I was intending to do that.

Mr. MANN. And that the bill be passed with that amendment.

The SPEAKER pro tempore. Without objection, the request will be acted upon. Is there objection?

There was no objection.

ELIZABETH DAVIS.

The SPEAKER pro tempore. Will the gentleman from Mississippi again give the number of that bill?

Mr. STEPHENS of Mississippi. It is Calendar No. 352 (S. 3617), an act for the relief of Elizabeth Davis.

Mr. MANN. Whose bill was that?

Mr. STEPHENS of Mississippi. That of the gentleman from Idaho [Mr. SMITH].

Mr. MANN. I think there was an agreement to return to it.

Mr. STEPHENS of Mississippi. Yes; I believe so.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. STEPHENS] asks unanimous consent to return to Calendar No. 352, Senate bill No. 3617, an act for the relief of Elizabeth Davis. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I stated at the beginning of this session that I do not believe we had the right to play favorites. There was no agreement whatsoever. I do not think it is a good policy to inaugurate, to call up bills out of their order and pass them. It is a discrimination against other bills.

Mr. SMITH of Idaho. There was a distinct understanding—

Mr. STAFFORD. The gentleman says there was a distinct understanding. The RECORD will show that I said at the beginning of this session that I did not believe in playing favorites. I stated that expressly.

The SPEAKER pro tempore. The gentleman from Wisconsin objects. The Clerk will read the next bill.

CLAIMS UNDER BOWMAN AND TUCKER ACTS.

The next business on the Private Calendar was the bill (S. 1878) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

The Clerk read the title of the bill:

The bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated:

To Anastacio de Baca, administrator of Francisco de Baca, deceased, of Santa Ana County, \$1,325.

To Edward H. Bergmann, of New Mexico, \$1,200.

To W. J. Goodwin, of New Mexico, formerly of Woodruff County, Ark., \$2,980.

To Prairie County, Ark., \$13,200.

With the following committee amendments:

On page 1, in line 5, after the word "appropriated," insert the following:

"To claimants in this act named the several sums appropriated herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of their respective claims, except that claimants under this act receiving compensation for use and occupancy of property shall not be barred from further prosecutions of claims arising from damage or destruction of the same property, namely:—"

On page 1, strike out lines 6 and 7.

On page 2, strike out line 3.

At the end of the bill insert the following:

"ALABAMA.

"To the legal representatives of Isaiah Attaway, deceased, of Macon County, \$275.

"To Jane F. Paulk, of Bullock County, \$635.

"To the trustees of the Cumberland Presbyterian Church of Pleasant Springs, \$350.

"GEORGIA.

"To the trustees of the First Baptist Church of Rome, \$870.

"KENTUCKY.

"To R. W. Harris, administrator of James P. Harris, of Floyd County, \$330.

"To the vestry of Ascension Protestant Episcopal Church, of Mount Sterling, \$825.

"To the fiscal court of Oldham County, \$1,100.

"To the treasurer of the Christian Church of Stanford, \$420.

"LOUISIANA.

"To Madeleine Lement, administratrix of Pierre Lement, of St. Landry Parish, \$295.

"To Kate P. McWaters, Margaret McWaters Bell, James H. McWaters, B. P. McWaters, and Moses McWaters, Jr., in equal shares, heirs of Moses McWaters, of West Feliciana Parish, \$950.

"MARYLAND.

"To the heirs of William H. Bradshaw, of Frederick County, \$137.50.

"MISSISSIPPI.

"To the trustees of the Protestant Orphan Asylum at Natchez, \$3,500.

"MISSOURI.

"To William W. Green, of Camden County, \$270.

"NEW YORK.

"To the legal representatives of Samuel Schiffer, deceased, of New York, \$4,700.95.

"NORTH CAROLINA.

"To Sarah F. Trenwith, executrix of C. F. Simpson, deceased, of Craven County, \$815.

"To the deacons of the Baptist Church of Beaufort, \$250.

"OHIO.

"To the trustees of the African Methodist Episcopal Church of Gallipolis, \$250.

"SOUTH CAROLINA.

"To John Duncan, surviving partner of the firm of Duncan & Son, of Charleston, \$8,450.

"To the trustees of Beaverdam Baptist Church, of Marlboro County, \$1,600.

"To the trustees of St. John's Baptist Church, of Bamberg County, \$275.

"TENNESSEE.

"To Lulu H. Doyle and Anna V. Berry, sole heirs of Patrick H. and Margaret E. Watkins, deceased, of Hamilton County, \$333.34.

"To the trustees of the Hobson Methodist Church, of Davidson County, \$1,800.

"To the treasurer of the corporation of the Cumberland Presbyterian Church, of Chattanooga, \$500.

"To the trustees of the Christian Church of Columbia, \$375.

"To the trustees of the Cumberland Presbyterian Church, of Murfreesboro, \$900.

"To the trustees of the McKendree Methodist Episcopal Church South, of Nashville, \$1,200.

"To the trustees of Liberty Springs Missionary Baptist Church, of Stewart County, \$475.

"VIRGINIA.

"To Lucy E. Johnson and John A. Johnson, sole heirs of Armistead M. Johnson, deceased, of Loudoun County, \$784.

"To the session of the Presbyterian Church of Greenwood, \$100.

"To the trustees of the Christian Church of Suffolk, \$540.

"WEST VIRGINIA.

"To the legal representatives of Josiah M. Davisson, deceased, of Taylor County, \$720.

"To the trustees of Christ Protestant Episcopal Church, of Bunker Hill, \$300.

"Sec. 2. That the foregoing several sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

"Sec. 3. That in case of the death of any claimant, or the death or discharge of the executor or administrator of any claimant herein named, payment of such claim shall be made to the legal representatives: *Provided*, That where a claimant is dead the administrator, executor, or legal representative shall file a certified copy of his bond, which bond must be at least equal in amount to the sum hereby appropriated: *Provided further*, That in all cases where the original claimants were adjudicated bankrupts payment shall be made to the legal representa-

tives or next of kin instead of to the assignees in bankruptcy: And provided further, That wherever under this act it is provided that a payment be made to an executor or an administrator, whether original or ancillary or de bonis non, and such executor or administrator is dead or no longer holds his office, payment shall be made to the successor therein, his title to hold such office being established to the satisfaction of the Secretary of the Treasury; and wherever under this act it is provided that a payment be made to a corporation or quasi corporation and such corporation or quasi corporation has been merged in or consolidated with another corporation or quasi corporation, payment shall be made to the corporation or quasi corporation with which the consolidation or merger has been made."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, the amendment of the House contains this provision on page 2:

Except that claimants under this act receiving compensation for use and occupancy of property shall not be barred from further prosecution of claims arising from damage or destruction of the same property.

Mr. BYRNES of South Carolina. I can tell the gentleman the reasons for the insertion of that provision.

Mr. MANN. I do not want to know the reasons for it. I know the reasons against it. I am not willing to let the bill pass by unanimous consent with that provision in it. We do not allow for the damage or destruction of property anywhere.

Mr. BYRNES of South Carolina. If the gentleman will allow me, I have no objection at all to that provision being stricken out. It was inserted because it was contained in the last omnibus bill, and it was passed solely on the theory that although we do not pay for destruction of property, and this bill includes no items for destruction of property, we thought it was doubtful whether we should foreclose the right of anyone hereafter. But I have no objection, and if the motion is made to strike out that provision, I will vote to strike it out.

Mr. MANN. Then I suggest to the gentleman—I do not know whether anybody else is going to object or not—that it will not be possible in the remaining time to consider all these amendments, and the only way to do is to ask unanimous consent to pass the bill with the House amendments, with the provision to which I have referred stricken out. I do not know whether anybody will object to that, but we can not consider all these items to-night, and the only thing we can do is just to take the judgment of the committee. As far as I am concerned, I am willing to do that.

Mr. BYRNES of South Carolina. I will say to the gentleman that the committee have included in this bill only such items as had the unanimous consent of the entire membership of the committee. All other items, though some of them doubtless are meritorious, have been left out to be considered at some later date. No contested item is included in this bill.

Mr. MANN. I think the committee have been very careful. The only way it can be passed is by asking unanimous consent—

Mr. BYRNES of South Carolina. I ask unanimous consent that on page 2 the bill be amended by striking out—

Mr. MANN. Let me make a suggestion, that the gentleman ask unanimous consent that the amendments of the committee be agreed to, amending the first amendment by striking out the language on page 2—

Except that claimants under this act receiving compensation for use and occupancy of property shall not be barred from further prosecution of claims arising from damage or destruction of the same property—

And that then the bill be considered as read a third time and passed. I do not know whether you can do that, but that is the only way in which it can be done.

Mr. BYRNES of South Carolina. I ask unanimous consent that the committee amendments be agreed to, the amendment on page 2 being amended by striking out all after the word "claims," in line 5, down to and including the word "property," in line 8, and that the bill be considered as read a third time and passed.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent—

Mr. SABATH. Reserving the right to object, I would like to know what these claims are about.

Mr. BYRNES of South Carolina. I can tell the gentleman. They are for the use and occupation of property, rental, in other words; or, in the case of a few individual claims, for stores and supplies taken from loyal citizens of the United States. No claim for destruction is included nor is there any claim in which any laches or failure to prosecute the claim was found by the courts.

Now, is there any claim for a disloyal purpose? The committee has been exceedingly careful in excluding those.

Mr. SABATH. When was this property taken?

Mr. BYRNES of South Carolina. During the Civil War.

Mr. SABATH. Why have not they made an effort heretofore to have the claims allowed?

Mr. BYRNES of South Carolina. They have been allowed by the Court of Claims, as the gentleman knows, and he must mean why they have not been paid heretofore. In the case of churches or lodges under the law the Southern Claims Commission, which was the only tribunal that had power to construe the law, held that they were not allowed to consider the claims of corporations. So they had no opportunity to present their claims to that tribunal. It was the only tribunal then until we passed the law giving the Court of Claims the right to hear the claims and report to the House.

Mr. SABATH. They were precluded from filing their claims, and it is only since the recent act that they have a right to present them?

Mr. BYRNES of South Carolina. Yes; and to be frank with the gentleman, we have particularly investigated them, and the gentleman from Nebraska [Mr. REAVIS] particularly objected to the consideration of any claim where it was found that the claimant was guilty of laches, and in every one of the cases the claimant had to show that he had been diligent in presenting his claim to some officer of the Government or some tribunal.

Mr. SABATH. How much do the claims amount to?

Mr. BYRNES of South Carolina. Thirty-eight thousand three hundred and five dollars.

Mr. SABATH. How many claimants are there?

Mr. BYRNES of South Carolina. Thirty-four.

Mr. SABATH. So that the claims would average about a thousand dollars each?

Mr. BYRNES of South Carolina. Yes. Of course they vary in amount, but they would average that.

Mr. SABATH. And the committee has carefully considered the claims?

Mr. BYRNES of South Carolina. The committee has considered these claims more carefully than any bills that I know of.

Mr. SABATH. I have every confidence in the gentleman when he states that the bill ought to pass, and I withdraw my objection.

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to ask the gentleman from South Carolina what is the approximate total amount of these claims that are presented?

Mr. BYRNES of South Carolina. Thirty-eight thousand dollars.

Mr. MOORE of Pennsylvania. This bill does not include what is ordinarily known as cotton claims?

Mr. BYRNES of South Carolina. No; there are no claims for destruction of property. It is for stores and supplies and use and occupation. I know what the gentleman refers to—like those bills in the last session. There are no such bills here.

Mr. MOORE of Pennsylvania. I am asking, because it was said that some gentleman on the floor would offer a cotton claim. I assume that it would not be proper on this bill?

Mr. BYRNES of South Carolina. No.

Mr. MOORE of Pennsylvania. This is not a cotton-claim bill?

Mr. BYRNES of South Carolina. No; it is for stores and supplies and use and occupation.

Mr. REAVIS. Mr. Chairman, I would say to the House that in the consideration of these numerous claims the minority of the committee took the position that any claimant who had been guilty of laches should not have his claim reported, at least not at this session of Congress.

Another question that came before the committee was the question of loyalty. That question is jurisdictional in the legislation.

There have been various tribunals organized for the purpose of investigating these claims, such as the Southern Claims Commission, the Quartermaster's Department, and so forth, and wherever any claim had been submitted to any tribunal competent to pass upon the same, and they found disloyalty against the claimant, these claims were eliminated. So there is in the bill no claim of anyone against whom a finding of disloyalty has ever been made. The last war-claims bill carried claims to the extent of \$1,166,000. This bill carries claims aggregating \$38,000. Every doubtful claim concerning which there was any question in the minds of any member of the committee has been eliminated from the bill. There are no cotton claims here, and I will say that if there is any attempt to put any claim of that character in this bill I shall not only object but make the point of no quorum.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that the bill shall be considered as taken up and read a third time and passed, including the committee amendment and the amendment offered on the floor of the House, as indicated by him. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

NAVAJO TIMBER CO., DELAWARE.

The next business on the Private Calendar was the bill (S. 3934) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

STEAMSHIP "REPUBLIC."

The next business on the Private Calendar was the bill (S. 5985) authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the steamship *Walkure*, admitted to American registry as the steamship *Republic*, which was sunk in the harbor of Papeete, Tahiti, raised and repaired by American enterprise, capital, and labor, to be enrolled and licensed as a vessel of the United States.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to know from some member of the Committee on the Merchant Marine and Fisheries as to the extent of the repairs to this vessel.

Mr. EDMONDS. Mr. Speaker, I am not upon that committee, and I do not remember exactly, but I think the amount in most of these cases has been from 50 per cent to 75 per cent.

Mr. MOORE of Pennsylvania. Is it provided in the bill that the repairs were made by American workmen?

Mr. HAYES. Yes; it is stated.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

SUNDRY BUILDING AND LOAN ASSOCIATIONS.

Mr. MILLER of Delaware. Mr. Speaker, we have only about two minutes left. There is a bill on the calendar, Calendar No. 325, S. 5672, for the relief of sundry building and loan associations, in which a number of Members are interested.

Mr. MANN. I think it is too late to get that up to-night. The gentleman would not have time to read it, and we will have to have another night.

Mr. MILLER of Delaware. Very well, I shall not make any request in respect to it.

Mr. STEPHENS of Mississippi. Mr. Speaker, I move to reconsider the vote by which these several bills were passed and lay that motion on the table.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

ADJOURNMENT.

The SPEAKER pro tempore. The hour of 10.30 p. m. has arrived.

Mr. RAINEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 30 minutes p. m.) the House adjourned, under its previous order, until to-morrow, Thursday, February 8, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting supplemental estimates of appropriation required for the naval service for the fiscal year ending June 30, 1918 (H. Doc. No. 2034); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting a report submitted by the Quartermaster General of the Army of all receipts and expenditures of contingent funds collected under the terms of said act from nonmilitary residents of Fort Monroe, Va., for the fiscal year ended June 30, 1916 (H. Doc. No. 2035); to the Committee on Expenditures in the War Department and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting a supplemental estimate of appropriation in the sum of \$400,000 required for the naval service for the fiscal year end-

ing June 30, 1918 (H. Doc. No. 2036); to the Committee on Naval Affairs and ordered to be printed.

4. A letter from the Comptroller of the Currency, transmitting the annual report of the Comptroller of the Currency for the 12 months ending October 31, 1916, together with certain additional data relating to national banks and their operations brought down to a still later period (H. Doc. No. 1496); to the Committee on Banking and Currency and ordered to be printed.

5. A letter from the Secretary of the Treasury, submitting, for inclusion in the sundry civil bill, certain additional estimates for public buildings (H. Doc. No. 2037); to the Committee on Appropriations and ordered to be printed.

6. A letter from the chairman of the public utilities commission, transmitting the balance sheets for the year ended December 31, 1916, and other information required by the public utilities commission of the various utilities under its jurisdiction (H. Doc. No. 2038); to the Committee on the District of Columbia and ordered to be printed.

7. A letter from the Secretary of the Treasury transmitting copy of a communication from the Attorney General, submitting additional estimates of deficiencies in appropriations for the fiscal year 1917 (H. Doc. No. 2039); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury transmitting a communication from the Secretary of War, submitting a list of claims for damages by river and harbor work, which have been adjusted and settled by the Chief of Engineers and approved by the Secretary of War (H. Doc. No. 2040); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Secretary of the Treasury transmitting copy of a communication from the Secretary of State, submitting estimates of appropriations required by the Department of State (H. Doc. No. 2041); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 10220) for the relief of John C. Shay, reported the same with amendment, accompanied by a report (No. 1439), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHALLENBERGER: A bill (H. R. 20798) authorizing the Secretary of War to donate to the city of Hastings, Nebr., four bronze cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. TIMBERLAKE: A bill (H. R. 20799) to provide revenue for the Government and promote the production of tungsten ores and manufactures thereof in the United States; to the Committee on Ways and Means.

By Mr. ALEXANDER: A bill (H. R. 20800) to amend an act entitled "An act to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and Naval Reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes," approved September 7, 1916; and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. GRIFFIN: A bill (H. R. 20801) providing that all persons employed by the United States Government or by the District of Columbia shall be citizens of the United States; to the Committee on Reform in the Civil Service.

By Mr. MCKINLEY: A bill (H. R. 20802) providing for the organization, establishment, and management of schools or institutes of instruction at certain military posts under the direction and supervision of the Secretary of War, with the advice and counsel of the Commissioner of Education of the Department of the Interior, for the purpose of affording the soldiers of the Army an opportunity for securing an education in academic and practical vocational and industrial lines, and to make an appropriation for meeting the necessary expenses of the preliminary survey for the intelligent establishment of said proposed schools or institutes; to the Committee on Military Affairs.

By Mr. WEBB: A bill (H. R. 20803) to define and punish espionage; to the Committee on the Judiciary.

By Mr. GLASS: Resolution (H. Res. 486) for the consideration of House bill 20661; to the Committee on Rules.

Mr. FERRIS: Resolution (H. Res. 487) authorizing the printing as a House document of Infantry Drill Regulations and Field Service Regulations; to the Committee on Printing.

By Mr. HADLEY: Memorial of the Legislature of the State of Washington, favoring the passage of House bill 9805, to create the Mount Baker National Park; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Washington, favoring the submission to the States for ratification of the amendment now pending granting to the women of the United States the elective franchise; to the Committee on the Judiciary.

By Mr. NORTON: Memorial from the Legislature of North Dakota, favoring the distribution of seeds through each State's experiment station; to the Committee on Agriculture.

By Mr. SLOAN: Memorial from the Legislature of the State of Nebraska, favoring the amendment to revenue law requiring collectors of internal revenue to furnish lists to governors of each State of all parties paying the internal-revenue tax; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARAWAY: A bill (H. R. 20804) to authorize the appointment and commission of Frank W. Gee as chaplain in the Regular Army of the United States; to the Committee on Military Affairs.

By Mr. DARROW: A bill (H. R. 20805) granting a pension to Andrew Heuser; to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 20806) granting an increase of pension to John G. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20807) granting an increase of pension to D. W. Farington; to the Committee on Invalid Pensions.

By Mr. HUSTED: A bill (H. R. 20808) for the relief of the dependent mother (now Sophie Caffery) of Henry W. Sloat, civilian employee of the Government, who was killed while in the discharge of his duties at the United States naval magazine at Iona Island, N. Y.; to the Committee on Claims.

By Mr. JACOWAY: A bill (H. R. 20809) for the relief of R. W. Harris; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 20810) granting an increase of pension to Stephen Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20811) for the relief of Walter D. Grierson; to the Committee on Military Affairs.

By Mr. McKELLAR: A bill (H. R. 20812) granting a pension to Catharine N. Wilson; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 20813) granting an increase of pension to Jeremiah Bogard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20814) granting an increase of pension to Asbery Mayfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20815) granting an increase of pension to John R. Bungard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20816) granting an increase of pension to Sidney Merifield; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 20817) for the relief of William H. Miller; to the Committee on Claims.

By Mr. REAVIS: A bill (H. R. 20818) granting an increase of pension to Andrew G. Kramer; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 20819) granting a pension to Jacob Herpin; to the Committee on Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 20820) granting an increase of pension to Joseph S. Le Hew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20821) granting a pension to Frances A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20822) granting a pension to Harriett L. Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20823) for the relief of J. H. Tower; to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 20824) granting a pension to Clearance A. Yancy; to the Committee on Pensions.

By Mr. VAN DYKE: A bill (H. R. 20825) granting a pension to W. H. Johnston; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 20826) granting a pension to James Warren; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of employees of the Post Office Department, favoring passage of House bill 17806, relative to increase in salaries; to the Committee on the Post Office and Post Roads.

Also (by request), petition of memorial and executive committee of United Spanish War Veterans relative to establishing system of universal training and service; to the Committee on Military Affairs.

Also (by request), memorial of Bucyrus (Ohio) Chamber of Commerce against abolition of the pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

By Mr. BENNET: Petition of O. L. Hull and others for prohibition; to the Committee on the Judiciary.

Also, petition of John Haussler and others against prohibition; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petition of John H. Leich & Co., of New York, against House bill 19350; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Retail Liquor Dealers' Association, Bronx County, N. Y., favoring the revenue bill; to the Committee on Ways and Means.

Also, telegrams from the Columbia Mills Co., Messrs. Bloch & Schiller, Messrs. Charles Champan's Sons, the Clover Hat Co., the Eastern Millinery Co., Charles Goldstein, Messrs. Halper & Friedman, Messrs. Schiff Bros., J. P. Shanley, and Messrs. Weiss & Klau Co., all of New York City, protesting against House bill 19350; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Fifth Avenue Association, New York, William W. Hopper, secretary, indorsing the Webb bill; to the Committee on the Judiciary.

Also, petition of Ascension Baptist Church, F. W. Hagar, pastor, favoring the pensioning of letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Charles Davison, 60 Wall Street, New York, favoring the protection of migratory birds; to the Committee on Agriculture.

By Mr. CARY: Petitions of sundry citizens of Milwaukee, Wis., protesting against war with Germany; to the Committee on Foreign Affairs.

By Mr. CHARLES: Petition of Board of Trade of Amsterdam, N. Y., against passage of the so-called excess-revenue bill; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of H. Griswold, of New York City, against passage of Senate bills 7563 and 7746, relative to second lieutenants in the Regular Army; to the Committee on Military Affairs.

By Mr. FULLER: Petition of New York Churchman's Association, protesting against the deportation of Belgians by the German Government; to the Committee on Foreign Affairs.

Also, petition of National Educators' Conservation Society, protesting against enactment of the water-power bills; to the Committee on Interstate and Foreign Commerce.

Also, petition of Illinois State Federation of Labor, for the Casey bill, to establish a woman's division in the Department of Labor; to the Committee on Labor.

Also, petition of J. E. Waldo and Edith P. Sovereign, both of Rockford, Ill., favoring the migratory-bird treaty bill (H. R. 20080); to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Petition of sundry members of the Massachusetts Branch of the League to Enforce Peace, favoring adoption by the United States of the league's proposals; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Boston, Mass., against prohibitory legislation; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of Local Union No. 2159, United Mine Workers of America, of Blaine, Ohio, favoring commission to investigate supply of food products in the United States, and provide legislation to prevent shipment of same out of the country, in the interest of home consumers and lower cost of living; to the Committee on Interstate and Foreign Commerce.

By Mr. KETTNER: Petition of John Fleming, ex-secretary Federation of Churches, San Diego, Cal., favoring Kenyon-Sims bill; to the Committee on the Judiciary.

Also, petition of L. M. Arey and Jacob Beckel, secretary Trades Union Liberty League, both of San Diego, Cal., protesting against passage of House bill 18986 and Senate bill 4429, mail-exclusion bills; to the Committee on the Post Office and Post Roads.

Also, petition of Earl V. Van Luven, instructed by official board of Jewell Memorial Methodist Episcopal Church, Colton, Cal., favoring House bill 18986; to the Committee on the Post Office and Post Roads.

Also, petition of Glenn R. Williams, mailing clerk, Upland, Cal., favoring House bill 17806, the Madden reclassification bill; to the Committee on the Post Office and Post Roads.

Also, petition of John S. Roberts and 23 other letter carriers and clerks, favoring increase of salaries for railway mail clerks, post-office clerks, letter carriers, and rural delivery carriers; to the Committee on the Post Office and Post Roads.

Also, petition of J. S. Reese, C. E. Doughty, and A. H. McFarland, all of Needles, Cal., protesting against House bill 19730, the Adamson bill; to the Committee on Immigration and Naturalization.

Also, petition of A. M. S. Wright, secretary Alpine Booster Club, Alpine, Cal., favoring appropriation of \$300,000 for Yosemite Park, enlargement of Sequoia National Park, and creation of Grand Canyon National Park; to the Committee on the Public Lands.

Also, petition of B. E. Tarver, Santa Ana, Cal., protesting against passage of Federal emergency revenue measure in present form; to the Committee on Ways and Means.

Also, petition of Homer W. Sumption, executive secretary chamber of commerce, San Diego, Cal., favoring Borland daylight saving bill; to the Committee on Labor.

Also, petition of Norman S. Dayton, Palm Springs, and R. R. Adams, San Diego, Cal., protesting against postal rates on second-class matter according to zone system; to the Committee on the Post Office and Post Roads.

Also, petition of W. R. Robers, president, and R. H. Gunnis, secretary, San Diego Clearing House Association, and F. J. Belcher, jr., First National Bank, San Diego, Cal., favoring House bill 17606, the Kitchin bill; to the Committee on Banking and Currency.

Also, petition of Grant M. Webster, secretary pro tempore San Diego County Single Tax Society, San Diego, Cal., protesting against Senate bill 3331 and House bill 408; to the Committee on Interstate and Foreign Commerce.

Also, petition of F. H. Donald, San Marcos, Cal., favoring safety-first bill; to the Committee on Interstate and Foreign Commerce.

By Mr. MEEKER: Petition of St. Andrew's German Evangelical Church, of St. Louis, Mo., in favor of supporting the President in his efforts to bring about peace among the belligerents abroad; to the Committee on Foreign Affairs.

By Mr. NORTON: Petition of Jacob Rothschilder, president German Alliance of Gladstone, N. Dak., asking Congress to submit question of declaring war against Germany to vote of people of United States; to the Committee on Foreign Affairs.

My Mr. OAKLEY: Memorial of sundry citizens of Hartford, Conn., favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. RAKER: Memorial of San Diego (Cal.) Bar Association, urging increase in salaries of United States circuit and district judges; to the Committee on Expenditures in the Department of Justice.

By Mr. ROWE: Memorial of Association of Fully Disabled Union Veterans of the Civil War, favoring passage of House bill 14428, to grant increased pensions to those who lost limbs during Civil War; to the Committee on Pensions.

Also, petition of Charles H. Dillon, of Brooklyn, N. Y., favoring passage of House bill 17806; to the Committee on the Post Office and Post Roads.

Also, petition of the George H. Gibson Co., of New York City, relative to equalization in the present postage rates for first and second class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Charles S. Davison, of New York City, favoring passage of House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. SANFORD: Petition of citizens of Albany County, N. Y., for submission to the States of a national prohibition amendment; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Petition of First Methodist Church of the city of Pueblo, Colo., favoring prohibitory liquor legislation; to the Committee on Alcoholic Liquor Traffic.

Also, petition of Woman's Christian Temperance Union of West Pittston, Pa., favoring the national prohibition amendment; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of sundry citizens of the thirty-third New York district, favoring prohibition for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of sundry citizens of the thirty-third New York district, against passage of the excise-revenue bill; to the Committee on Ways and Means.

By Mr. STEPHENS: Petition of employees of the Post Office Department, favoring passage of House bill 17806, relative to salaries; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Petition of Pigeon Creek U. P., Eightyfour, Pa., urging adoption of a resolution to amend the Federal Constitution, providing that polygamy and polygamous cohabitation shall not exist within the United States or any place subject to its jurisdiction; to the Committee on the Judiciary.

By Mr. TINKHAM: Memorial of employees of the Post Office Department, favoring passage of House bill 17806, to increase salaries; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, February 8, 1917.

The Senate met at 11 o'clock a. m.

Bishop Collins Denny, of Richmond, Va., offered the following prayer:

O thou great and glorious and merciful God, we come to acknowledge our dependence upon Thee for all things. While we can not remember all Thy benefits, be so favorable to us, O God, that we may not forget them all. We praise Thee for Thy guidance of our fathers; and now, Lord, we, who are Thy children as well as their children, come to pray Thee that Thy guidance may not depart from us. Especially at this time, O gracious God, give wisdom to those upon whom in Thy providence the guidance of the affairs of this country has fallen.

Upon this Senate, upon the President and all who are in authority grant us, most merciful God, that heretofore having been for so many years kept in the peace which has been Thy gift to us, we may be continued in peace in this country. Keep far off from our homes, from our loved ones, war and all its consequences; and while we know, for Thou hast taught us, that whatsoever a man soweth that shall he also reap, and while our sins have been many, manifold, and heinous, gracious God, visit not on us the legitimate consequences of our own transgressions, but show Thyself merciful to us, and grant us the safe and the honorable way through all the troubles to which we seem to be exposed; and especially grant to Thy servants here that daily blessing which they need to do Thy will. We ask for Jesus' sake. Amen.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Bankhead	Hughes	Martine, N. J.	Smith, Md.
Beckham	Husting	Myers	Smith, Mich.
Brady	James	Norris	Smith, S. C.
Bryan	Johnson, S. Dak.	Oliver	Smoot
Chamberlain	Jones	Page	Sterling
Chilton	Kenyon	Pittman	Stone
Clapp	Kirby	Poincxter	Thomas
Coff	La Follette	Ransdell	Thompson
Curtis	Lane	Reed	Tillman
Fernald	Lea, Tenn.	Robinson	Townsend
Fletcher	Lee, Md.	Saulsbury	Vardaman
Gallinger	Lodge	Shafroth	Wadsworth
Gronna	McCumber	Sheppard	Watson
Harding	McLean	Sherman	Weeks
Hitchcock	Martin, Va.	Smith, Ga.	Williams

Mr. JAMES. I wish to announce that the Senator from North Carolina [Mr. SIMMONS] is absent on official business.

Mr. CHILTON. I desire to announce that the Senator from Texas [Mr. CULBERSON], the Senator from North Carolina [Mr. OVERMAN], the Senator from Tennessee [Mr. SHIELDS], the Senator from Montana [Mr. WALSH], the Senator from Minnesota [Mr. NELSON], the Senator from Connecticut [Mr. BRANDEGEE], and the Senator from California [Mr. WORKS] are absent on official business.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding day.

VOTE UPON RESOLUTION RELATIVE TO RELATIONS WITH GERMANY.

Mr. LANE. Mr. President, before I go upon committee work I wish to say that I was not recorded yesterday upon the vote on the resolution of the Senator from Missouri [Mr. STONE], and I wish to announce that I would have voted "nay" had I been